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Sex Discrimination?

The XYZ Affair

Carl Hoffmann & John Shelton Reed

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WINTER BOOKS: A SPECIAL SUPPLEMENT

Reviews by Harry McPherson, Marc F. Plattner, Martha Bayles, Michael A. Scully, Mark T. Lilla, William Kristol, Peter Skerry, Seth Cropsey, Christopher Wolfe, and Natale Cipollina

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Global Confusion, 1980: A hard look at the Global 2000 Report

JULIAN L. SIMON

Now the Global 2000 Study makes it official that the world is going to hell in a handbasket. As *Time* says, "The U.S. government has added its full voice to the chorus of environmental Cassandras . . . a presidential panel warns that time is fast running out for averting a global calamity."[1] President Carter requested the Global 2000 Study, it was chaired by the Council on Environmental Quality and the Department of State, and eleven (11) agencies "cooperated," including the Departments of Agriculture, Energy, and Interior, the Agency for International Development, the CIA, the Environmental Protection Agency, the National Aeronautics and Space Administration, the National Science Foundation, and three other agencies with names slightly less well-known. That's pretty official.[2]

This is the report's own thumbnail summary of the Global 2000 findings:

> If present trends continue, the world in 2000 will be more crowded, more polluted, less stable ecologically, and more vulnerable to disruption than the world we live in now. Serious stresses involving population, resources, and environment are clearly visible ahead. Despite

This article draws upon the author's forthcoming book, The Ultimate Resource *(Princeton University Press, 1981), and upon an article "Resources, Population, Environment: an Oversupply of False Bad News," that appeared in* Science, *June 27, 1980.*

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> greater material output, the world's people will be poorer in many ways than they are today.
>
> For hundreds of millions of the desperately poor, the outlook for food and other necessities of life will be no better. For many it will be worse. Barring revolutionary advances in technology, life for most people on earth will be more precarious in 2000 than it is now. [3]

Fortunately, these assertions about resources and the environment are baseless. The authors of the Global 2000 Study (GTS hereafter) offer no persuasive evidence for their "scenario." The facts, as I read them, point in quite the opposite direction on every single important aspect of their prediction for which I could find any data at all.

Please note that I am not saying that all is well now, and I do not promise that all will be rosy in the future. Children are hungry and sick; people live lives of physical and intellectual poverty, and lack of opportunity; some new pollution may indeed do us all in. What I *am* saying is that, for most or all of the relevant matters I have checked, the trends are positive rather than negative. And I doubt that it does the troubled people of the world any good to say falsely that things are getting worse though they are really getting better. The believing hearer of such false bad news may simply despair, or later yield to cynicism about all social problems when he or she senses having been conned yet again. False bad news is a very real social pollution, and a dangerous one.

Six limits to accuracy

A newspaperman wondered: How can the report be as wrong as I say it is if GTS worked on it for three years, and spent a big bundle of money? It *is* hard to take, I agree, but being so wrong is not implausible when we notice some of the features of the work process.

First, when the study's director, Gerald Barney, began work, he was told he had six months to deliver the report to the printers. Subsequently, there were extensions of a few months at a time. One can feel great sympathy for Barney in this situation. It was difficult to obtain capable staff for so short a period, and there was no time to plan a careful, thoughtful piece of work on this vast topic. Having it now billed as a "three year study" is therefore misleading.

Second, the method of GTS seems to have been roughly as follows: They set as an ideal a comprehensive multisectoral model along the lines of *The Limits to Growth* model, but using exist-

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ing government models of various sectors appropriately tied together. They found, however, that it was very difficult to hook up those separate models, so they supplemented the contents and outputs of those sectoral models with additional data, outside contracts, expert judgments, and so on.

But the existing individual sectoral models were often inappropriate for the purposes at hand. Consider, for example, the future copper situation. The likeliest available model of the copper market (I cannot say which model was really used, because the GTS documentation has yet to be published) is one that explores the impacts of changes in the demand schedule due to changes in world income and population, and of changes in the supply schedule due to cost changes assuming technology is constant. When estimated with empirical data from year to year, the outcome will surely be that increased demand leads to higher prices, which will induce some increased supply but probably less copper per person than before. But this short-run model omits a key fact seen in the long run: As population and income have increased, the relative cost of copper has decreased rather than increased. And this is true because, with some time-lag, increased demand leads to improved technology, which then leads to lower prices. The GTS purports to be a long-run analysis, and therefore it should appropriately embody the long-run technology-increasing relationships. But it is most unlikely that any of the sectoral models employed do so. Hence, the elements GTS seeks to hitch together are not appropriate. Additionally, the overall "Government model" could not sensibly link together the various sectors, resulting in "inconsistency and missing links that are unavoidable."[4] Naturally. As I see it, the result of the "linkage" is a useless hodge-podge.

With respect to the crucial income projection, though GTS refers to "The Government global model,"[5] there was *not* a "government model" that produced the crucial forecasts of future income. Anne Carter, the only academic economist on the seven-person group of "expert advisers" (who met for a total of two weekends) was under the impression that the basis of the GTS projection is a model built by Carter and Peter Petri. But Gerald Barney said that the projection came from the WAES model done by Carroll Wilson at M.I.T., which came to GTS via the World Bank. And Barney says that the documentation of the WAES model in their technical volume is "skimpy" and "unsatisfying," and he feels that there is "good reason for the reader to have difficulty understanding the basis for GTS' forecast." About these numbers upon which the whole study

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depends, Carter now says (following a report of my discussion with Barney): "I doubt that anyone knows where those income estimates come from."

Third, there is a lack of historical perspective. It is a reasonable rule of prediction in economics (if not everywhere) that experience is to be preferred to pure logic as a policy guide if plenty of experience is available and there is no obvious discontinuity. Yet biologists such as Ehrlich and Hardin, who are frequently quoted in the report, employ technological modes of analysis even when contradictory historical evidence is available. The most important aspect of the relevant historical experience is that humans use their imaginative and creative powers to change their situation when caught in a resource bind, and the final result is usually that we are left better off than before the problem arose. (We should have learned this lesson from the great economist Jevons' scholarly 1865 prediction of cessation of growth for England by 1900 due to lack of fuel.[6] After investigation, he concluded that the potential of oil to help the situation was very small.)

Fourth, organizational self-interest may have been at work. It's reasonable that the Council on Environmental Quality is more likely to draw a big budget if Congress believes that there are big environmental problems.

Fifth, bad news makes headlines. Would the Global 2000 report have gotten a thousandth of the widespread publicity it received if it said: "More or less, and left to themselves without massive government interference, the world's people are slowly but steadily improving their lot in food and resource supplies, life expectancy, and a clean environment"?

Sixth, along with the First Great Law of Models (GIGO, garbage in, garbage out) should be added another law: PIPO, prejudice in, prejudice out. The list of staff and advisers indicates that this report comes to us from the very same Zero Population Growth people who brought us the *Population Bomb* and subsequent Ehrlich collaborations, plus *The Limits to Growth* (TLTG) bunch, the Worldwatch Institute and population-control and environmental organizations. Indeed, no such group seems to be missing from the list.

There is an entire appendix devoted to tracing the intellectual passage from TLTG to GTS. This is despite the fact that TLTG has been as thoroughly discredited as any document can be, most compellingly in the repudiation by the sponsoring Club of Rome itself. Just four years after the huge foofaraw created by TLTG's

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publication and huge circulation—an incredible 4 million copies were sold[7]—the Club of Rome "reversed its position" and "came out for more growth." But this radical shift has gotten relatively little attention, though it was written up in such places as *Time* and the *New York Times*. The original message is the one which remains with most people.

The explanation of this reversal, as reported in *Time*, is a masterpiece of facesaving double-talk:

> The Club's founder, Italian industrialist Aurelio Peccei, says that *Limits* was intended to jolt people from the comfortable idea that present growth trends could continue indefinitely. That done, he says, the Club could then seek ways to close the widening gap between rich and poor nations—inequities that, if they continue, could all too easily lead to famine, pollution and war. The Club's startling shift, Peccei says, is thus not so much a turnabout as part of an evolving strategy.[8]

In other words, the Club of Rome sponsored and disseminated untruths in an attempt to scare us. Having scared people with these untruths, the Club of Rome could then tell people the *real* truth.

Of course, it is possible that the Club of Rome did not really practice the deceitful strategy that it now says it did. Maybe they have now simply realized that the 1972 TLTG study was scientifically worthless. If so, the Club of Rome is *now* dissembling about what it *really* did, in order to save face. From the outside, of course, we have no way of knowing which of these ugly possibilities is the "truth."

Surely this is one of the more curious scientific episodes of recent years. Those who wrote TLTG have not recanted, to my knowledge, even though their sponsors have, and it continues to be cited as an authority, as seen in GTS. And the same Peccei is cited worshipfully in the first paragraph of each of the first three chapters on world models in Volume II of GTS.

The facts

I said earlier that the facts, as I read them, point in quite the opposite direction from the conclusions of Global 2000 on every important aspect of their prediction for which I could find any data. That is strong talk, but I'll now back it up with data, starting in the order of the topics mentioned in the Global 2000 capsule summary cited earlier, and then moving on to some other areas.

We can all agree that historical trend data are the basic raw material for the projections. As GTS put it, "The process chosen for

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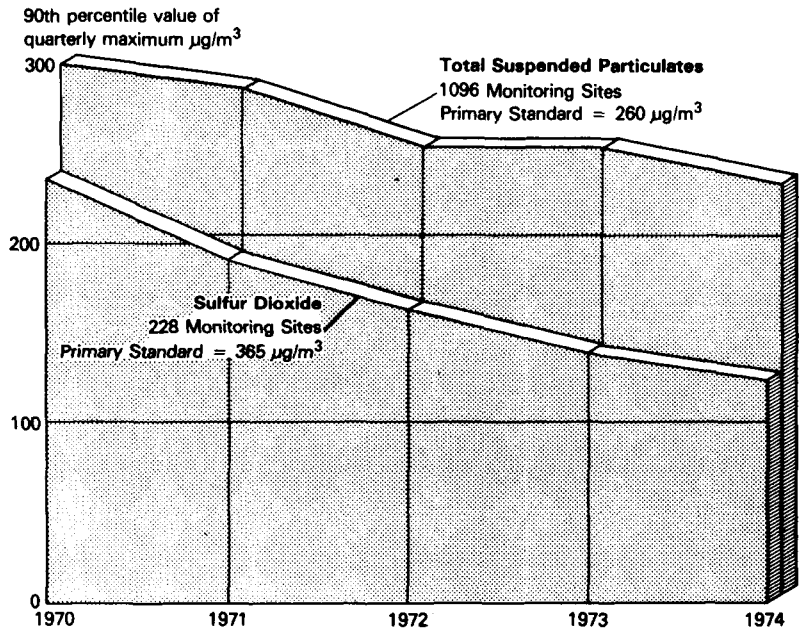
the Global 2000 Study was to develop trend projections using, to the fullest extent possible, the long-term global data and models routinely employed by the Federal Agencies."[9] The most striking aspect of the report, however, is the absence of these very trend data.

Item: "more polluted." Though the GTS projection refers to the world, the available data are mostly for the U.S. With respect to the main pollutions of the air, the available time-series are short, but they are all I have been able to find in the reports of the Council on Environmental Quality or elsewhere. Figure I shows that the U.S. situation has recently been improving rather than deteriorating.

FIGURE I. *Air Pollution in the United States, 1970-1974.**



* Reproduced from *Council on Environmental Policy, Seventh Annual Report,* 1976, p. 226.

With respect to water quality, the key measure is drinkability. Figure II, on the next page, shows that by this measure water quality in the U.S. has been getting better rather than worse.

About charges such as that (in Paul Ehrlich's words) "Lake Erie has died . . . No one in his right mind would eat a Lake Erie fish today, if one could be found . . . Lake Michigan will soon follow it in extinction,"[10] a few facts are in order. Though the catch in Lake Erie fell in the 1960's, it has recently increased, and in 1977 10 mil-

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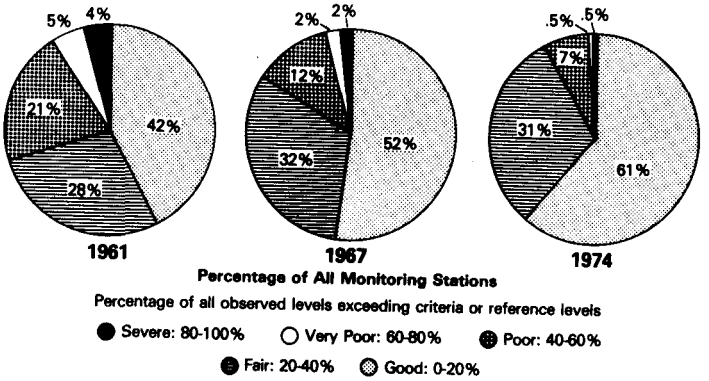
FIGURE II. *The Quality of U.S. Drinking Water, 1961, 1967 and 1974.**



* Source: Kahn, et al., 1976, p. 160.

lion pounds of fish were caught there. For the Great Lakes as a whole, the catch was at its lowest in recorded history in 1965 (56 million pounds), but has since rebounded to 73 million pounds in 1977, not far from the average since World War I.[11] By 1977 Lake Michigan had become "an angler's paradise . . . the finest fresh-water fishery in the world," and supports a $350 million-a-year sport fishing industry.[12] In 1980, *Newsweek* could report that Lake Erie's "blue waters are alive once more with fish . . . fishermen expect to haul in 17 million walleyes, whitefish and prized Lake Erie blue pike this year . . . conditions have never been better . . . Most of the beaches have reopened."[13]

Great Britain had already made great improvements in its environment by the time that the U.S., in the 1970's, became fully aroused about environmental degradation:

> British rivers . . . have been polluted for a century while in America they began to grow foul only a couple of decades ago . . . The Thames has been without fish for a century. But by 1968 some 40 different varieties had come back to the river.[14]
>
> Now to be seen [in London in 1968] are birds and plants long unsighted here. . . The appearance of long-absent birds is measured by one claim that 138 species are currently identified in London, compared with less than half that number 10 years ago . . . Gone are the killer smogs . . . Londoners . . . are breathing air cleaner than it has been for a century . . . effects of air pollution on bronchial patients is diminishing . . . visibility is better, too . . . on an average winter day . . . about 4 miles, compared with 1.4 miles in 1958.[15]

GTS says, "The life expectancy of a population is the most all-inclusive and widely measured indication of a nation's environ-

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mental health"[16] and I agree. The data show continued increase in U.S. life expectancy, and at an increasing rate—a gain of 2.6 years from 1970 to 1976, compared with a gain of only 0.8 in the entire decade of the 1960's.[17] By this test, the environment certainly is healthier than ever before.

"The rate of increase of life expectancy has slowed," GTS says.[18] Their own data show the opposite, however. They report life expectancies for the world population as follows: 1950/55—46.7; 1955/60—49.9; 1960/65—52.2; 1965/70—53.9; 1975—58.8.[19] And these crude figures certainly understate the gains within particular countries, because the countries with lower life-expectancies have a successively bigger weight in the calculation for the more recent years due to the fact of their increasing share of total world population.

Of course one can point to specific places where environmental conditions have fared worse rather than better, and to specific pollutions that have increased. A fair-minded assessment of the situation would not just pick and choose, but rather, would focus on these standard aggregate measures.

What trend data does the Global 2000 report rely upon for its frightening "projections" of the environment's pollution level? I could find none. There are frequent references from one chapter to another, but when arriving at the destination I often found no data, only reference to another reference elsewhere—a frustrating scavenger hunt with no prize for the participant. In the chapter on "analysis" which describes the method used, we read that "There is at present no adequate, formal and precise means of projecting world trends for renewable resources such as water, forestry, fisheries, soil, and the environment."[20] GTS asked various government agencies to supply relevant analyses of the environmental situation, but what was received was "minimal or non-existent."[21] In short, there is no factual basis given for the forecast of more pollution in the future, and the data we do have suggest a trend of less pollution in the U.S. and Great Britain.

Item: "less stable ecologically, and more vulnerable to disruption." These concepts are so diffuse that I have no idea how one would measure them directly, nor do the GTS authors give us any trend data on any relevant measures. Yet the assertions will be quoted for years as authoritative.

Item: "serious stresses involving . . . resources." There have always been "serious stresses" in the sense that people have to pay a price to get the resources they want. But the data on "stress," as

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measured by the relevant economic measures of scarcity—costs and prices—show that the long-run trend is toward less scarcity and lower prices rather than more scarcity and higher prices, hard as that may be to believe. The cost trends of almost every natural resource—whether measured in labor time required to produce the resource, in production costs, in the proportion of our incomes spent for resources, or even in the price relative to other consumer goods—have been downward over the course of recorded history.

An hour's work in the United States has bought increasingly more of copper, wheat, and oil (representative and important raw materials) from 1800 to the present. And the same trend has almost surely held throughout human history. Calculations of expenditures for raw materials as a proportion of total family budgets make the same point even more strongly. These trends imply that the raw materials have been getting increasingly available and less scarce relative to the most important and most fundamental element of life, human work-time. The prices of raw materials have even been falling relative to consumer goods and the Consumer Price Index. All the items in the Consumer Price Index have been produced with increasing efficiency in terms of labor and capital over the years, but the decrease in cost of raw materials has been even greater than that of other goods, a very strong demonstration of progressively decreasing scarcity and increasing availability of raw materials. (See, for example, Figure III on page 12.)

The relative fall in the prices of raw materials understates the positive trend, because as consumers we are interested in the services we get from the raw materials rather than the raw materials themselves. And we have learned to use less of given raw materials for given purposes, as well as to substitute cheaper materials to get the same services. Consider a copper pot for cooking used long ago. The consumer is interested in a container which can be put over heat. After iron and aluminum were discovered, quite satisfactory cooking pots—almost as good as, or perhaps better than, pots of copper—could be made of those materials. The cost that interests us is the cost of providing the cooking service, rather than the cost of copper.

A single communications satellite in space provides intercontinental telephone connections that would otherwise require thousands of tons of copper. That is a dramatic example of how the service that copper renders can be supplied much more cheaply by a substitute process.

This topic is of particular interest because I had the opportunity

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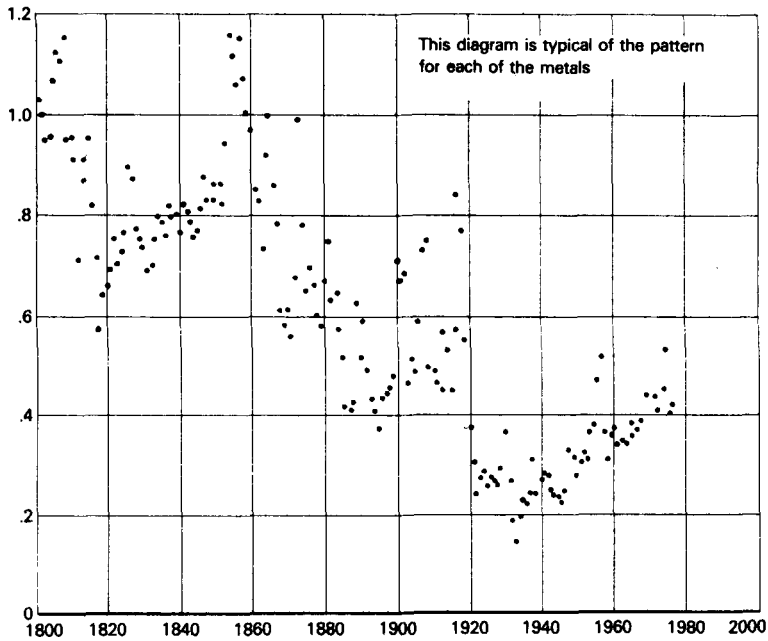
FIGURE III. *The Price of Copper Deflated by the Consumer Price Index.**



* Source: U.S. Department of Commerce, Bureau of the Census, *Historical Statistics of the United States: Colonial Times to 1970*. Government Printing Office, 1976.

of discussing it at some length over the phone with Gerald Barney, GTS' director. The GTS projection is simply a 5 percent yearly increase in the real price of non-fuel minerals from now until the year 2000.[22] The text notes that "the real price of most mineral commodities has been constant or declining for many years." But Barney believes that the Department of Interior's downward extrapolations from these trends are not sound because they omit various considerations that he considers important, notably "diminishing returns"[23] and energy. What GTS here boils down to, therefore, is simply one man's judgment, in the face of all the long-run historical trends, and the one man is neither an economist nor a person who has studied this subject at length. Furthermore, the projection runs counter to the projection of the relevant government agency, even though Barney says that GTS should be thought of as "an image of the future as seen by government agencies," rather than as an independent study of the subject. Unfortunately, other government agencies in turn will offer GTS as the basis for *their* projections. (A study that is simply a compilation of others' "images" of the future is an information-and-belief system closed to funda-

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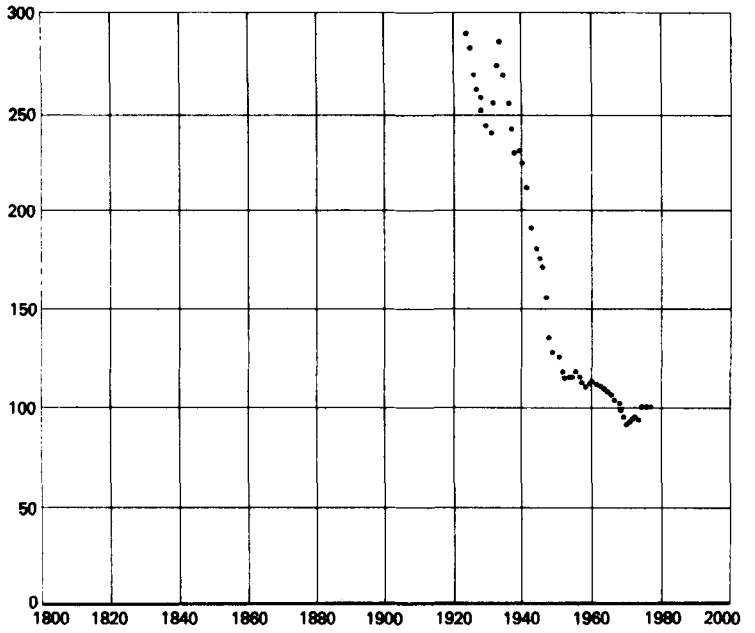
mental inquiry from outside the government, and subject only to manipulation from the inside.)

Energy is a resource of particular interest right now. GTS says that "production costs will increase with energy prices," [24] implying that prices will rise in the next four decades. But the long-run trends are toward lower energy prices. The facts about the cost of energy are much the same as the facts about other raw materials. The new strength of the OPEC cartel to control oil price obscures the cost of production, which in the Persian Gulf is perhaps a hundredth of the market price. [25] It is reasonable to expect that eventually the price of oil will return nearer its economic cost of production, and the long-run downward trend in the price of oil will resume its course.

The price of electricity is an interesting measure of the consumer cost of energy, and it is largely unaffected by cartels and politics (though the price of electricity did rise after 1973 because all energy sources, including coal and uranium, jumped in price when the price of oil went up, on account of the improved market power of coal and uranium suppliers). But the long-run cost of electricity

FIGURE IV. *The Price of Electricity Relative to the Consumer Price Index.**



* Source: U.S. Department of Commerce, Bureau of the Census, *Historical Statistics of the United States: Colonial Times to 1970*. Government Printing Office, 1976.

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clearly has been moving downward, as we see in Figure IV on the previous page.

In short, the data show that energy has not been getting scarcer in basic economic terms, but, rather, has been getting more plentiful.

What about the GTS trend data on minerals and energy costs? Same story, no data. We are shown a diagram of energy consumption in the U.S., from 1850 to the present,[26] and its upward course is frightening in this context, of course. (In another context it might be a sign of our increasing affluence and productivity.) But the data on the relevant economic magnitudes—costs and prices—are nowhere to be found in GTS, though the data for the graphs in this essay all come from *Historical Statistics of the United States*,[27] a basic reference volume found in even the smallest library.

Other topics of concern

Here are some other projections of the Global 2000 report, and the relevant data that refute them:

Item: food. "Over the 30 years from 1970 to 2000 . . . a global per capita increase of less than 15 percent,"[28] claims GTS. But as we see in Table I, over the period from 1950 to 1977 (less than 30 years), per capita food production rose by either 28 percent or 37 percent, depending on whether you use United Nations or U.S. Department of Agriculture figures. Why should one project a much smaller rate of increase (15 percent) for an even longer period?

It may be useful to inquire how the Global 2000 report arrived at a conclusion about growth in food supply so different from the past trend. We are told that this projection emerges from "a formal mathematical model made up of roughly 1,000 equations."[29] Anyone who has worked with computer models knows how the chance of an error leading to invalid or nonsense conclusions rises with the complexity of the model. Volume III, which is to describe the GTS models, has not yet been issued, and therefore one cannot ferret out the full story. This much we can discover, however. 1) Though the rate of increase of total grain production over the period 1951-55 to 1973-1975 was calculated by the GTS at 2.7 percent yearly (the only trend calculation of the sort I could find in the 750 page report), they projected the rate of growth to fall to between 2.1 percent and 2.0 percent yearly by 1985-2000.[30] No reason was given for this projected decline. 2) GTS says that "Two sets of population projections were used in the *Global 2000* study: Those made by the U.S. Bureau of the Census and those made by

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TABLE I: *Per-Capita Food Production in the World, from 1948 to 1979*[1]

YEAR	WORLD EXCLUDING MAINLAND CHINA (1952-1956=100) (1)	WORLD INCLUDING MAINLAND CHINA (1961-1965=100) (2a)	(2b)	COMBINED INDEX (1948-1952=100) (From 1 and 2)	
	UNFAO	UNFAO	USDA[2]	UNFAO	USDA[2]
1948-1951	93			100	
1952	97			104	
1953	100			108	
1954	99			106	
1955	101			109	
1956	103			111	
1957	102			110	
1958	106			114	
1959	106			114	
1960	107			115	
1961	106			114	
1962	108			116	
1963	108			116	
1964	109	102		118	
1965	108	100		116	
1966	111	103		119	
1967	113	105		121	
1968		106		123	
1969		105		119	
1970		106		123	
1971		107		125	
1972		104		120	
1973		108		126	
1974		107	113	125	132
1975		108	113	126	132
1976		110	117	128	136
1977		110	118	128	137
1978			122		142
1979			118[3]		137

[1] Sources: United Nations *FAO Production Yearbook*, 1968, 1975, 1976, and *World Agricultural Situation*, January, 1980.
[2] N.B. I am more inclined to believe the USDA figures for the years since 1974, because they are more recent updates and because the USDA has no institutional stake in showing a relatively poor world food situation, whereas the UNFAO does. The likeliest source of the difference is in population estimates, rather than in aggregate food production estimates.
[3] Preliminary estimate.

the Community and Family Study Center (CFSC) of the University of Chicago."[31] But apparently only the higher Census Bureau estimates were used in arriving at the "less than 15 percent" per capita increase; if the CFSC estimate were used, even with the total grain projection discussed above, the per capita increase over the 30 year period would be close to 30 percent rather than 15 per-

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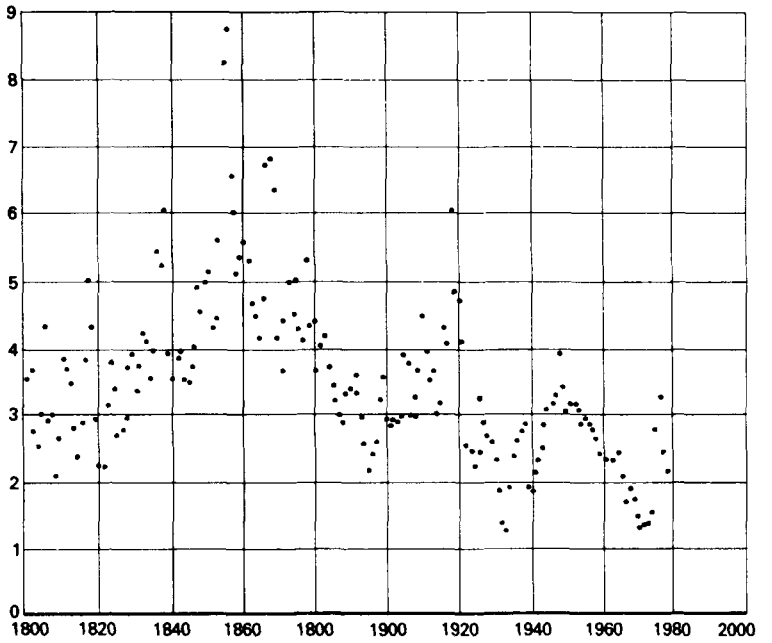
cent—that is, 1 percent per year rather than half a percent per year—a very satisfactory rate of growth.

GTS says of food prices, "Real prices for food are expected to double."[32] Compare that projection with Figure V, which shows the historical decline of food prices. One reason GTS could go so astray is that nowhere in their list of staff or advisers is there found *any* academic agricultural economist (and that means also, of course, no one of the stature of D. Gale Johnson, who has done extensive theoretical and empirical analyses showing the long-run tendency of farm prices to decline).

FIGURE V. *Price of Wheat Relative to the Consumer Price Index.**



* Source: U.S. Department of Commerce, Bureau of the Census, *Historical Statistics of the United States: Colonial Times to 1970*. Government Printing Office, 1976.

Item: trees. "Significant losses of world forests will continue over the next 20 years."[33] I find no trend data on world forests in GTS. But the data on the U.S. tree stock show (astonishingly?) that more rather than fewer trees are growing now than in the past. (See Figure VI). Despite these data—which were published by the GTS parent agency, the Council on Environmental Quality—GTS projects a decrease from 58 to 55 billion "cu m overbark" (whatever that means) from 1978 to 2000, and a reduction in "closed forests" from 470 to 464 million of hectares in the United States.

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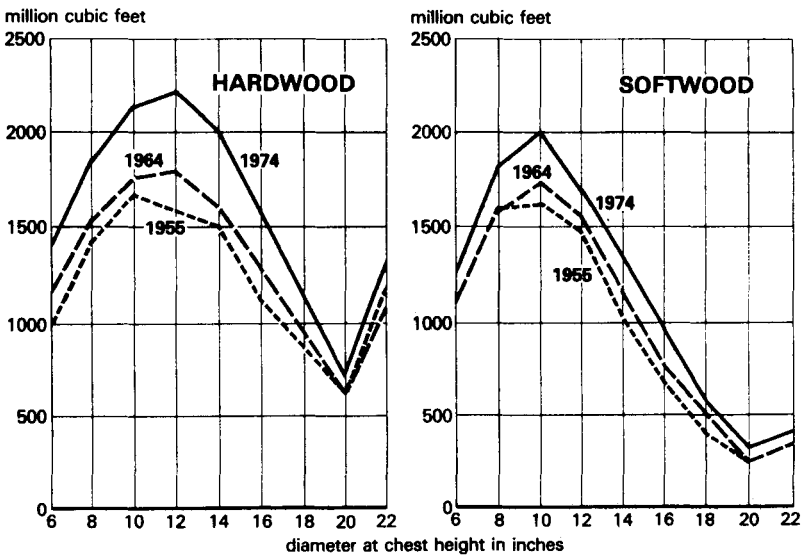
The source given for these estimates shown in Table 7 of Volume I is Table 13-29 in Volume II. The latter turns out to be identical to Table 7, and refers the reader to Table 8-9 in Volume II. Table 8-9 in turn is identical to Tables 7 and 13-29, and the source for it is said to be "calculation from preceding tables and deforestation rates cited in the footnote at the beginning of this chapter." It will not surprise you by now that nowhere in the earlier tables could I find trend data that would serve as the basis for the projections given.

FIGURE VI. *Timber Growth in the United States, 1955-1974**



* Source: Redrawn from *Council on Environmental Quality, Ninth Annual Report*, 1978, p. 321.

Item: fish. "The world harvest of fish is expected to rise little, if at all, by the year 2000."[34] Here at last we find trend data from 1955 to 1975.[35] But as I view the data—my series in Table II contain some data GTS does not show—it seems to me that it would be imprudent to bet against the fish catch increasing. Furthermore, any slowing in the marine fish catch could well have been the result of such man-made factors as the rise in prices for ship fuel, and the extension of national sovereignty further from the shores, rather than of the "over-exploitation of the sea" as doomsayers have charged.

Item: population. GTS recommends that the U.S. should "co-operate with other nations in efforts to relieve poverty and hunger,

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TABLE II: *World Fish Catch (million metric tons)*

	TOTAL	GTS TOTAL	FOR HUMAN CONSUMPTION
1938	20.5		18.3
1947	20.1		
1948	19.2		17.1
1949	21.8		17.6
1950	23.2		18.1
1951	25.2		20.2
1952	24.1		21.5
1953	24.7		22.0
1954	26.7		23.3
1955	28.9	28.9	24.3
1956	30.5	30.8	25.4
1957	31.7	31.7	26.5
1958	33.3	33.3	27.5
1959	36.9	36.9	29.1
1960	40.2	40.2	30.9
1961	43.6	43.6	32.3
1962	47.1	44.8	33.4
1963	48.4	46.6	34.6
1964	52.9	51.9	35.5
1965	53.7	53.3	36.1
1966	57.5	57.3	38.6
1967	61.1	60.4	39.6
1968	64.3	63.9	40.3
1969	62.9	62.6	40.5
1970	70.7	69.6	44.7
1971	71.3	70.9	46.0
1972	66.9	66.2	47.1
1973	67.7	66.8	49.5
1974	71.3	70.4	50.2
1975	71.0	69.7	50.1
1976	74.7		52.0
1977	73.5		52.9

Sources: Columns 2 and 4, *UNFAO Yearbook of Fishery Statistics*, 1977 and other years; Column 3, Global 2000 Study, Volume II, page 105.

stabilize population, and enhance economic and environmental production."[36] But there are not now, and there never have been, any empirical data showing that population growth or size or density have a negative effect upon the standard of living, the level of pollution, or any other important measure of human welfare. This has emerged from historical time-series studies, and from cross-sectional studies of both more-developed and less-developed countries.[37] And this non-finding is the more persuasive because it is despite the zealous efforts of large numbers of researchers who have sought to back their Malthusian logic with empirical proof. There is, therefore, no general reason other than personal intuition to conclude that population growth is necessarily for the worse—unless one

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simply believes that human beings are an evil in themselves, or that human life is too horrible to be lived.

Item: world land. "Arable land will increase only 4 percent by 2000." [38] But why should that be so, given that arable land increased fully 16 percent in the 20 years from 1950 to 1970? The basis of the GTS estimate is simply "Global 2000 projections." [39] One can, of course, make a convincing logical case for the fixity of land supply—but it is the same case that has been made over and over since at least Biblical times, yet people have continued to increase the supply of arable land while making nonsense of the argument. Twenty and a hundred years hence, there probably will be the same confrontation between fixity theory and the facts of continuing expansion of agricultural land.

Item: acid rain. "Acid rain from increased combustion of fossil fuels (especially coal) threatens damage to lakes, soils, and crops." [40] Maybe so. Here we encounter the sea-monster nature of pollution threats. As soon as one threatening arm is cut off and shown harmless, another rapidly takes its place. Since I started casually watching this scene in 1970, there have been mercury, fluorcarbons, DDT, the warming of the atmosphere, the cooling of the atmosphere, recombinant DNA research, saccharine, and a dozen others (including even garbage, which was said to overwhelm us soon). When the facts showed that these threats were either under control or manageable, new threats arose. Unfortunately, the number of potential threats is infinite.

The really bad news

You may wonder: How can GTS get away with work so shoddy? The answer to the question, is, I think, another question: Who is there to stop them? In a democratic society, the staff of a government agency with access to a printing budget can publish whatever it chooses. There is no censor. Nor is there a "truth auditor" on the government payroll the way there are financial auditors to monitor money irregularities. As to outside checks, an individual outside the government must have the stomach to get into a long-odds fight against an opposition that is widely presumed to be in the right because it is "official." He or she must also be willing to invest the time and energy knowing that the probability of reaching a wide audience is exceedingly slim, especially if the government report says things that are already widely believed. The very best scholar is likely to judge that it is more important to get on with his or her

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own work rather than try to act as a one-person truth squad. Journalists seldom have the time and patience for deep digging into the scientific literature. So—*who is there to stop them?*

What damage comes from these unfounded predictions of a gloomy future? We cannot be sure, of course. I speculate, however, that the doomsaying in the past decade has sapped our national will. It may have led us to expect inexorable punishment for our supposed sins against nature, and for our exploitation of those persons viewed as living closer to a natural state in their poverty. The prophecy of such retribution may be self-fulfilling because we reduce our efforts to improve our situation, economic and political.

The saddest part of the Global 2000 Study is this vision I have of two staff members who happen to see this review. Alpha: "Nasty, isn't it?" Beta: "Sure, but bad reviews didn't hurt *Limits to Growth*, did they?" I'm afraid Beta is correct. The conclusions of GTS, the official government report with its "government model," will be cited as authoritative until the next GTS lookalike comes along, at which time the new authority will supplant the old without causing any changes at all. That's really bad news.

NOTES

[1] *Time*, August 9, 1980, p.54. [2] *Global 2000 Report to the President*, Volumes I and II (Washington: U.S. Government Printing Office, 1980), v.I, p.1. [3] GTS, v.I, p.1. [4] GTS, v.I, p.7. [5] GTS, v.I, p.7. [6] W. Stanley Jevons, *The Coal Question* (Cambridge: Macmillan and Company, 1865). [7] GTS, v.II, p. 613. [8] *Time*, April 26, 1976, p.56. [9] GTS, v.I, p.6. [10] Paul Ehrlich, *The Population Bomb* (New York: Ballantine, 1968), p.62. [11] U.S. Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1970* (Washington: G.P.O., 1976), p.555, and U.S. Bureau of the Census, *Statistical Abstract of the United States* (Washington: G.P.O., 1979), p.743. [12] *Wall Street Journal*, September 15, 1977, p.1. [13] *Newsweek*, September 8, 1980, p.12. [14] *U.S. News and World Report*, December 15, 1969, p.77. [15] *Newsweek*, November 16, 1970, p.67. [16] GTS, v.II, p.246. [17] Metropolitan Life Insurance Company, *Statistical Bulletin*, v.58, May, 1977. [18] GTS, v.II, p.247. [19] GTS, v.II, p.248. [20] GTS, v.II, p.563. [21] GTS, v.II, p.565. [22] GTS, v.II, p.213. [23] GTS, v.II, p.213. [24] GTS, v.I, p.2. [25] Marvin Zonis, "Petroleum and Politics in the Persian Gulf," *University of Chicago Magazine*, March, 1976, pp.14ff. [26] GTS, v.II, p.355. [27] U.S. Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1970* (Washington: G.P.O., 1979). [28] GTS, v.I, pp.1-2, [29] GTS, v.II, p.73. [30] GTS, v.II, p.79. [31] GTS, v.II, p.7. [32] GTS, v.I, p.2. [33] GTS, v.I, p.2. [34] GTS, v.I, p.31, [35] GTS, Table 7-1, v.II, p.105. [36] GTS, v.I, p.4. [37] Julian L. Simon, *The Economics of Population Growth* (Princeton: Princeton University Press, 1977). [38] GTS, v.I, p.2. [39] GTS, v.II, p.401. [40] GTS, v.I, p.3.

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Sex discrimination?—the XYZ affair

CARL HOFFMANN & JOHN SHELTON REED

GROUP differences in occupational success are a stubborn fact of American life. The legislative attack on discrimination which culminated in the federal civil rights legislation of the 1960's was intended to remove that component of these differences brought about by systematic discrimination against individuals on the grounds of race, sex, religion, and other group memberships. But it remains the case that, in many situations, members of some groups are still more often hired, retained, and promoted than others. The resulting shift of emphasis from equality of opportunity to equality of result, adumbrated in Lyndon Johnson's Howard University speech of 1965, has led to the emergence of two distinct schools of thought regarding the remaining differences between what have come to be called "protected groups" and everyone else. Nowhere has the contrast between these two views been sharper, or the debate more heated, than with regard to the occupational status of women.

On the one hand, some argue that the persisting imbalances result from continuing bias and discrimination on the part of employers, more subtle than the simple refusal to reward qualified women, to be sure; it may even be unintended. Such less-than-rational ways of doing business as seniority systems, or fixed lines of progression with no opportunity for transfer between lines, or irrelevant re-

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quirements of education or prior experience may well put unjustifiable barriers to advancement in the way of groups of employees or would-be employees, groups which may be disproportionately female. Proponents of this view argue that we cannot know to what extent parity would result from market processes until, in fact, parity is established. Differences in the attitudes and behaviors of men and women are seen as reflecting women's perceptions that the opportunity structure is closed to them. Affirmative action, "goals," and quotas are necessary to undo the "effects of past discrimination" and start things over on an equal footing. The implicit assumption is that, thereafter, equality of result should follow.

Another view, however, has it that even after all discrimination, blatant and subtle, is eliminated, "imbalances" will persist as a result of the tendency of men and women to make different choices—even when given the same range of alternatives to choose from. Women, in other words, are likely to seek out and to remain voluntarily in different sorts of jobs than men. Those who argue this position point to one or more of three factors (though seldom to all three) to support their conclusion.

In the first place, although it has become impolite to say so, there are at least some biological differences between men and women. Such differences explain why no women play for the Pittsburgh Steelers and none ever will (except perhaps as a placekicker) unless the Steelers are subjected to involuntary "guidelines." It is at least possible that other occupations are wholly or partially closed to women for similar reasons, although the burden of proof should no doubt rest with someone who wants to assert that there is a performance-related, innate difference between men and women.[1]

A second factor sometimes adduced is that the early socialization of men and women tends to prepare them for different sorts of occupations. This fact may be deplored, but few would deny that it is at present and has always been a fact. For the time being, at least, sex-role socialization includes a strong occupational component. Men and women consequently enter the labor market with different abilities and aspirations (although this may be changing).

Finally, some point to the effects of traditional family roles on the job-related attitudes and behavior of husbands and wives (or those who expect to become husbands and wives). The traditional

[1] It is considerably easier to demonstrate—or to assume without challenge—that the social fact of gender is job-related than to demonstrate that the biological fact of sex is. One thinks, for example, of washroom attendants.

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division of labor in the home will handicap even highly motivated and well-trained women, while it gives their husbands the freedom—indeed, the obligation—to seek occupational success. Particularly in a home where the husband is the only breadwinner, he is expected *to win bread.* And his wife is expected to support his efforts to acquire training and advancement.

These differences are especially acute when children are present. Rearing children is a compelling social function for women, one which competes with the demands of a job. Although this role is available to men, they are less likely (whether for biological or social reasons) to accept primary resposibility for it, and are more likely to be regarded as deviant if they do. *Their* responsibility to their children is likely to be seen and felt as one of providing material well-being, a responsibility quite consistent with striving for occupational success.

Whatever the basis for this view—whether it emphasizes biology, socialization, or current family roles—its implications are quite different from those of the view that sees most imbalance as resulting from discrimination of some sort. It implies that it is unreasonable to expect occupational parity between men and women soon, if ever, and that we should strive for equal treatment of individuals rather than equal results for men and for women. In particular, goals and timetables and all the rest will be and remain unwise and, in fact, illiberal. They will not have the desired effects, even in the very long run; they will undermine the economic organization of enterprise, by rewarding ascription rather than achievement; they will force employers to disregard not only their own interests but the desires of individual employees—desires the employer did nothing to produce.

Unlike the view of quotas as requiring, at most, a temporary sacrifice of economic rationality and fairness to individuals, this view has it that the sacrifice is permanent, for all practical purposes. The law should open opportunities and expand the range of choices for individuals—not interfere with rational business practice, individual decisions, or the fundamental institutions of society.

The policy debate

Clearly, in one view, employers are responsible for existing imbalances, ought to do something about them, and *can* do something without more than temporary and limited ill effects. In the other view, the situation results from factors outside employers' control,

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and (remediation aside) there is little employers can do that does not involve considerable and lasting cost to them, and injustice both to them and to individual employees. Obviously, it is important to know which view is more nearly, and more often, correct.

The Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs, the two federal agencies principally responsible for enforcing the law, have in effect assumed an answer. Their original and continuing interpretation of the law has been to require parity of results in hiring, promotion, pay, and so forth—even when no wrongful action has been demonstrated. If, for instance, the proportion of women among a company's supervisors is significanctly lower than the proportion among those from whom they are drawing, a *prima facie* case for discrimination exists, and the employer can be obliged to demonstrate either that the statistics are inaccurate or that the imbalance results from differences in other factors, such as education or prior experience. This last demonstration has sometimes been challenged successfully on the grounds that these "other factors" are not actually related to job performance.

In general, the courts have upheld the legality of this procedure and, both through approving the application of affirmative action procedures and through giving massive injunctive relief to aggrieved employees—requiring organizational and procedural changes on the part of employers—have appeared to agree with the view that parity is the "normal" outcome of a fair process. (On the other hand, the courts have recently upheld in some cases segmented labor forces, seniority systems, and the loose and amorphous standard of "business necessity"—decisions rightly seen as setbacks in the struggle for parity, if not for justice.)

Whatever the position of the federal agencies and the courts, however, it is not at all clear what measure of imbalance can reasonably be expected once all vestiges of illegal discrimination are removed. Will it be negligible, as their implementation of the law implies? Or will it be substantial, as several other lines of thought suggest?

It is difficult to answer the question empirically in even a single case, since the advocates of affirmative action are quite correct in their assertion that most companies have organizational features and practices that allow at least the *possibility* of discrimination against women. Few companies have internal labor markets with complete freedom of lateral movement: Most put employees into operative, clerical, professional, or management tracks and expect

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them to stay there; others have union agreements to the same effect. Even fewer companies feel obliged to inform all employees of all openings within the company. Fewer still hire on the grounds of basic skills and potential ability, without regard to formal education or previous experience. And very, very few hire only at the bottom and fill all management positions from below with people who began in clerical or operative positions.

If such a company could be found, then the contentions of the two schools could be put to the test. If men and women advance in the company at different rates, if they are found in different proportions at different levels, then it must be the case that this results from differences they bring to their employment, not from discrimination. As it happens, we have just such a company, and have conducted just such a test.

In August 1978, the XYZ Corporation,[2] a Fortune 500 company, approached Hoffmann Research Associates,[3] a North Carolina consulting firm, to conduct a study of its personnel practices. The company's motive was not altruistic: A sex discrimination suit had been filed in one of its divisions, and it stood to lose a lot of money. The division of XYZ in question was one with considerable sales and clerical responsibility. It employed roughly 6,000 persons, of whom 5,500 were in entry-level clerical positions, and 500 in supervisory and management positions, ranging from assistant supervisor to senior vice-president.

The charges of discrimination had been filed by several female clerks who pointed to the fact that, while 82 percent of the entry-level jobs were filled by women between 1971 and 1978, female clerks were only 74 percent of those promoted in 1978 and only 61 percent of those promoted in earlier years. Promotion at XYZ was always from one level to the next. Men were obviously much more likely than women to be promoted at this first level (although at higher levels in the company there was no difference in the promotion rates of men and women).

XYZ made no attempt to dispute these figures, but its management could not explain them. Discrimination was forbidden; an entire district supervisory staff had once been dismissed for such practices; XYZ's management was sure employees were treated

[2] The company has asked that it not be identified. Otherwise, no restrictions have been placed on our analysis or our reporting on it.

[3] Carl Hoffmann is the president of Hoffmann Research Associates. John Shelton Reed served as a consultant to HRA during the later stages of data analysis and in the writing of the report. They gratefully acknowledge the various contributions of Rachael Tayar, Hunter Hughes, and Herbert Hyman.

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fairly. There were no differences in education, training, or experience that could explain the differences, and seniority was not a factor. Management insisted that only knowledge of the job, performance, and leadership played a part in promotion, but never asserted that there were differences between men and women in these respects. The president of the company had started in an entry-level job in this particular division. The management of XYZ was genuinely puzzled.

Their choice of Hoffmann Research Associates (HRA) to conduct the study may speak to their belief in their own innocence. The research firm came to the attention of XYZ because of its work for plaintiffs—in support of cases very much like the one against XYZ. The research task was to determine the reasons for the lower rate of promotion for female than for male clerks, and to study another pattern that management had noticed, that of women being less likely than men to apply for lateral transfer within the company.

Trained interviewers conducted private, personal interviews, on company time, with independent samples of 363 female clerks, 283 male clerks, and 204 supervisors (102 male and 102 female). The samples were drawn randomly and proportionately from some 20 offices in all parts of the continental United States.[4] The questions of particular interest to HRA were embedded in a lengthy "job satisfaction" questionnaire.

Promotion-seeking behavior

Somewhat to the researchers' surprise, data analysis quickly made it clear that male and female clerks at XYZ were promoted in almost exactly the same proportions as they expressed interest in promotion. On the face of it, the difference in promotion rates for men and for women did not result from practices and policies that discriminated against women, but from a pattern of behaviors and attitudes that led male clerks more often than female clerks to seek and to accept promotion.

In the year prior to the survey, twice as many men as women (28 percent compared to 14 percent) had asked to be promoted, and the company's response was, if anything, more positive toward the women who asked than toward the men (See Table I on page 27; the difference is not statistically significant). Similarly, equal pro-

[4] Possible sampling error of plus or minus 5 percent should be allowed for the samples of clerks, and somewhat more for the samples of supervisors. Added methodological information is available on request from author Hoffmann.

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portions of men and women had been asked if they were interested in promotion, but among those asked, men were nearly twice as likely as women to have indicated that they were interested. Altogether, 39 percent of the male clerks had indicated, in one way or another, that they would like to be promoted; only 21 percent of the female clerks had done so. (In earlier years, the difference had been even greater: Among those who had been with XYZ in 1977 and before, 46 percent of the men and 19 percent of the women said they had indicated their interest between 1971 and 1977.)

These ratios predict almost perfectly the relative rates of promotion for men and for women. Thirty-five percent of the clerks who expressed interest in promotion before 1978 were male, compared to 39 percent of those who were promoted; in 1978, 29 percent of those who expressed interest in promotion, and 26 percent of those who were promoted, were men. For both periods, the differences are small, and well within expected sampling error.

It seems reasonable to suppose that promotions will be offered more often to those who have indicated their availability, or at least not indicated that they are not interested. In fact, those who reported that they had sought promotion were twice as likely as the others to report that they had actually been offered promotion at some point.

We have one other indication of the behavior patterns that led to the observed differences in promotion. Ambitious clerks might stay well-informed about opportunities for lateral transfers, some of

TABLE I. *Self-Reported Promotion-Seeking Behavior, 1978 and Before.*[1]

	1978		1977 OR BEFORE [2]	
	MEN	WOMEN	MEN	WOMEN
Percent who requested promotion	28%	14%	30%	11%
Of those, percent reporting positive response	55	70	51	55
Percent asked whether interested in promotion	36	34	41	33
Of those, percent who expressed interest	74	43	69	35
Percent who indicated interest either way	39	21	46	19
(N)	(283)	(363)	(218)	(226)

[1] Source: Hoffmann Research Associates survey of XYZ employees.
[2] Asked only of respondents employed before 1978.

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which offer more pay, responsibility, or opportunity. At XYZ, notices of openings are posted, and employees encouraged to "bid" on those that interested them. Twenty-five percent of the male clerks, compared to 10 percent of the female clerks, indicated that they followed the posted openings closely. If actual bidding practices reflected this ratio of interest, we would expect roughly 35 percent of all bids to have been from males. In fact, between 1973 and 1978, according to company records, 36 percent of the 5,708 bids by clerks were from men.

It appears, then, that male clerks at XYZ were promoted more often than female clerks to the same extent that they more often exhibited interest in promotion and engaged in promotion-seeking behavior.

Perceptions of discrimination can, of course, vary independently of actual practices. It would not be unprecedented to find a situation where some category of workers was subjected to systematic discrimination without being aware of it. Nor, in the present case, would it be surprising to find a widespread belief that female clerks were being discriminated against, particularly given the undeniable and striking differences in promotion rates and the present litigious climate.

But, as Table II on page 29 shows, although a good many respondents of both sexes were dissatisfied with various aspects of their jobs, only a negligible proportion complained about discrimination of any sort—sex, race, religious, or age—and males were more likely than females to complain. Female clerks were less likely than males to indicate that their own individual chances for promotion were "excellent" or "good," but when asked why they had not in fact been offered promotion, they were much more likely than males to indicate that they were known to be uninterested or that they were not qualified.

These data do not in themselves establish the absence of discrimination—any more than would widespread perceptions of discrimination establish its existence. But they do reinforce the evidence in the earlier analysis of even-handed treatment.

Aspirations and motivation

If, as we believe we have demonstrated, the difference in promotion rates between male and female clerks was not due to company policy or practice, the differences in behavior which did produce it remain to be explained. The explanation appears to lie in the fact

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that female clerks were likely to have lower aspirations than male clerks, less likely to have had the time or to have felt they had the ability for higher-level positions, more likely to have seen their employment as a "job" rather than as a stage in a career, and more likely to have sought better working conditions rather than advancement.

TABLE II. *Ratings of XYZ Promotion Policies and Perceived Reasons For Not Being Offered Promotion, By Sex.*[1]

	MEN	WOMEN
Percent saying "good" or "excellent"—		
Transfer policy	72%	80%
Policy of promoting from within	68	70
"An individual's" promotion chances	43	42
Own promotion chances	34	29
(N)	(281)	(360)
Reasons for not being offered promotion—		
Discrimination	3%	1%
Known not to be interested	27	41
Personality, personal history	19	10
Not qualified	14	25
(N)[2]	(230)	(300)

[1] Source: Hoffmann Research Associates survey of XYZ employees.
[2] Asked only of those not offered promotion in 1978.

Table III on page 30 presents some of the evidence on aspirations. Female clerks, it appears, were more likely than male clerks to have sought a clerical job specifically. Men were more likely to report that they were ready to accept any position that was open, evidently viewing their first position as simply an entree to the company. Men were also more likely to indicate an initial interest in a marketing job, while those women who did not seek to be clerks were more often looking for positions as secretaries or service workers. Men were somewhat more likely to desire to move from their present positions, and they thought of such moves in terms of promotion, while more than half of those women who wanted a change preferred to move laterally, to a position as a clerk of some other sort.

When we asked what these clerks' ultimate ambitions were, we found that women were twice as likely as men to be content with their present positions, and those who did aspire to higher positions

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set their sights lower than men: Only 14 percent sought positions above the level of supervisor, compared to nearly half the men.

In short, the women's ambitions, both for immediate advancement and long-term success, were more limited than the men's. This difference was present when they were hired; it was not something the company created.

TABLE III. *Past and Present Aspirations of Male and Female Clerks.*[1]

	MEN	WOMEN
Originally sought present position	45%	66%
Would like different position	67	57
Other clerical position	10	24
Supervisor, assistant supervisor, market representative	42	22
Ultimate aspirations		
Present position	21	39
Supervisor, assistant supervisor	12	27
Chief supervisor, manager	25	9
Executive	21	5
Other, don't know	20	20

[1] Source: Hoffmann Research Associates survey of XYZ employees.

TABLE IV. *What Promotion to Supervisor Would Mean, Responses by Sex.*[1]

	MEN	WOMEN
Would have to work more hours	63%	62%
Flexibility of hours would decrease	53	54
Harder to find someone to cover hours	73	70
Less access to desired shifts	47	44

[1] Source: Hoffmann Research Associates survey of XYZ employees.

Resource commitment and career

For most clerks, the first step up is promotion to assistant supervisor, a position which carries a modest increase in salary ($65.00 a month at the time of the survey), longer hours, rotating shifts, and a considerable increase in responsibility. Male and female clerks agreed (see Table IV, on this page) such a promotion

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would impose a number of burdens that they did not have to carry in their present positions. Unless one sees it as a step toward higher, and substantially more rewarding, positions—or unless one has few other commitments—there would seem to be little incentive to accept such a promotion if it were offered. We have seen already that men are more likely to see promotion in this light; it appears also they are likely to view other commitments as less inhibiting.

Table V on page 32 shows a number of attitudes and behaviors which bear on this question. Male clerks were willing or able to give up more, in general, to obtain promotion. They would have been more likely to accept a transfer, more likely to give up an optimal shift assignment. They were more likely to indicate that they had the time to devote to the job. While nearly half of the women said they would prefer to work only part-time, if that were possible, only 18 percent of the men shared that view; male agents were more likely to have worked substantial amounts of overtime.

For many more female than male clerks, the question of promotion was of little importance, because they did not intend to remain employed. Although the great majority of both male and female clerks planned to remain in the labor force, and had been in it without interruption, female clerks were significantly more likely than male clerks to plan to drop out, at least for a while, and more likely actually to have done so in the past. The most frequent reason given by men who had dropped out or planned to do so was to obtain additional education or training; a majority of the women indicated that their past or anticipated withdrawal from the labor force was for "family reasons."

Women, more than men, were unwilling or unable to make a number of sacrifices which, they recognized, career advancement requires. Moreover, a pattern of discontinuous employment, reflecting commitments other than to one's career, was more common among women than among men. Finally, women were substantially more likely than men to believe they lacked the ability to fill higher-level positions (see Table V). While the perceptions of female clerks—or, for that matter, those of male clerks—may be inaccurate, they can have the same effects as a real difference in abilities.

Table V also shows a composite index of motivation: Those who reported that they aspire to higher-level management, that they would give up a preferred shift schedule for promotion, and that they have the time and ability to be a chief supervisor are labelled "highly motivated." Men fell in this category twice as often as

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TABLE V. *Trade-Offs Against Promotion, For Male and Female Clerks.*[1]

	MEN	WOMEN
Would prefer optimal shift assignment to promotion	33%	45%
Would not accept transfer to obtain promotion	12	28
Would prefer to have part-time job, if possible	18	44
Do not have time needed for chief supervisor's position	12	30
Expect to leave labor force for significant time before retirement	4	10
Worked less than 10 hours overtime per month last year	71	83
Voluntarily out of labor market for significant time in past	5	13
Do not have ability for chief supervisor's position	8	26
Composite index of motivation (see text)—"highly motivated"	61	31
(N, range)	(279-283)	(354-363)

[1] Source: Hoffmann Research Associates survey of XYZ employees.

women; 61 percent compared to 31 percent. This difference in motivation goes a long way toward explaining the observed difference in promotion-seeking behavior. As Table VI on page 33 shows, there was no difference between men and women with low motivation: Neither group was likely to have sought promotion. Those with high motivation were much likely to have done so—twice as likely if they were women, three times as likely if they were men.

Effects of marriage and parenthood

But why were women who were apparently motivated to seek promotion less likely than men actually to have done so?

The breakdowns by marital status which appear in Table VI suggest an answer. The differences between unmotivated men and women were relatively small, as were those between highly-motivated, *unmarried* men and women. *The largest difference between men and women in the table is that between highly-motivated married men and highly-motivated married women. Marriage appears to increase promotion-seeking among highly-motivated men and to decrease it among highly-motivated women.*

The male and female respondents were about equally likely to be married: 47 percent and 48 percent respectively. But while 21 percent of the males were married men with dependent children, only 10 percent of the women were married, with children at home.

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TABLE VI. *Promotion-Seeking Behavior By Motivation, For Male and Female Clerks, Married and Unmarried.*

	PERCENT SEEKING PROMOTION (N)	
	MEN	WOMEN
Low motivation	16% (114)	16% (249)
Unmarried	14% (65)	20% (127)
Married	20% (46)	12% (122)
High motivation	53% (172)	33% (111)
Unmarried	47% (88)	36% (61)
Married	60% (84)	30% (63)

[1] Source: Hoffmann Research Associates survey of XYZ employees.

Evidently, female clerks were more likely either to have deferred child-bearing or to have dropped out of the labor force while they had dependent children. It may well be that the effects of marriage and parenthood on women would be even more pronounced than they appear to be if the sample of mothers were not self-selected to comprise those most committed to their jobs or most able to cope with conflicting demands of job and family.

For nearly all of our measures of motivation, commitment, promotion-seeking, and perceived ability to meet the demands of a new position, the effect of marriage—marriage *per se*, without the added complications of child-rearing—was to reduce the likelihood of promotion for women, on the average, and to increase that for men. Nevertheless, the company appears to have inquired about interest in promotion with an even hand: Among the unmarried, 32 percent of both male and female clerks reported that they were asked whether they were interested; among the married, who tended to be older and more experienced, 40 percent of the men and 36 percent of the women reported inquiries.

One implication of this analysis is that married male clerks were more likely than married female clerks to come from households where their job was seen as the principal career within the family. Table VII (page 34) confirms this. The demands of male clerks' jobs were usually seen as determining; female clerks had more often to compromise between the demands of their jobs, on the one hand, and those of their husbands' jobs and their own household responsibilities, on the other. These women were most often eco-

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nomic equals with their husbands, while their male colleagues usually had *the* economically important jobs in their families.

Thus, though practically none of the male clerks would have given up his job with XYZ if his spouse's career required a move, roughly half of the female clerks would have done so (but not all, by any means). Similarly, nearly all of the male clerks would expect their wives to follow them, if their XYZ jobs required a move; about half of the female clerks would expect their husbands to move with them. While nine out of ten male clerks said that their job was the most important in the family, female clerks were more evenly divided, and frequently volunteered that their jobs and their husband's jobs were equally important.

TABLE VII. *Indicators of Occupational Primacy Within Family, By Sex (Married Respondents Only).*[1]

	MEN	WOMEN
Would give up XYZ job if spouse's job required a move	4%	53%
Spouse would give up job if respondent's job required a move	92	55
Respondent's job more important to family than spouse's	90	34
Spouse's job more important	4	50

[1] Source: Hoffmann Research Associates survey of XYZ employees.

These impressionistic data are confirmed by a look at income figures. Female clerks, on the average, earned only slightly less than their husbands (about $400 a year) and 45 percent earned more. But 92 percent of the male clerks earned more than their wives, and the average income difference was substantial—especially, of course, for the 34 percent whose wives were not in the paid labor force at all. (Less than 1 percent of the married female clerks had husbands who were not in the paid labor force.)

Marriage means different things for male and female clerks. Most often, a married male clerk finds himself with a household primarily or even completely dependent on his present and future earnings. He usually expects that his family will adjust to the demands of his career. Those demands are in a strong position in the competition for his time and attention, and he faces no choice between his family role and his job: To a large extent, his family role *is* his job. But female clerks showed no consistent pattern of either primacy or subordination in the economic lives of their families. Their

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career decisions often required compromises, which need not go against their career interests, but would not necessarily favor them either.

The effects of parenthood were like those of marriage, only more so. It increased men's desire for promotion and their efforts to achieve it, and decreased both among women. The male and female clerks in our sample did not differ in their desire for additional children: 43 percent of the women and 42 percent of the men intended to have them. But the effects would be quite different: 17 percent of the women who planned to have children did not intend to remain in the labor force until retirement; only 4 percent of the men who planned to have children expressed an intention to leave, a figure virtually identical to those for male and female clerks who did not plan to have more children. Similarly, 28 percent of the female clerks who had children had been out of the labor force in the past, compared to 3 percent of the fathers in our sample. Childless female clerks, and male clerks with and without children were likely to have worked overtime and reported that they were available for any shift assignment; but mothers of children under 18 years, not surprisingly, reported less flexibility.

While parenthood, like marriage, means added responsibilities for both men and women, the responsibilities of wives and mothers conflict with their on-the-job behavior in ways that those of husbands and fathers do not. In this case, it limited women's ability to devote extra time, perhaps at unusual hours, to their jobs—an ability which these clerks recognized is required of supervisors.

Female supervisors

Many female clerks resolve the conflict between their household responsibilities and their husbands' careers, on the one hand, and their own careers, on the other, by lowering their levels of aspiration and by avoiding the added responsibilities that would accompany promotion. Another possibility, of course, would be to remain single, or childless, as had many female supervisors who sought, were offered, and accepted promotion. Although they were roughly the same age as male supervisors, only 46 percent were married, compared to 81 percent of the men, and only 9 percent had children under five years old, compared to 34 percent of the men.

Married female supervisors were much more likely than married female clerks to report that their job was the more important one in their household. Although only 22 percent of the female clerks

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consistently reported that their jobs were more important than their spouses', 42 percent of the female supervisors did so (compared to 78 percent and 77 percent of male clerks and supervisors, respectively). Sixty percent of the female supervisors earned more than their spouses, compared to 45 percent of the female clerks (and 92 percent and 94 percent of male clerks and supervisors, respectively). Six percent reported that their husbands are full-time homemakers, a response given by only one of 175 married female clerks.

In these respects, male clerks, in general, already "looked like" male supervisors: Nearly all of both groups came from households where their economic responsibility was, both psychologically and in fact, the principal one. Female clerks, as we have seen, were much less likely to be in that situation. Female supervisors, though, fell somewhere in between.

The pattern is repeated when we look at Table VIII on page 38. In nearly every respect, supervisors differed from clerks of the same sex in those characteristics that we have identified as important for promotion—characteristics that male clerks were more likely than female clerks to display. But notice two things about the table: In the first place, male clerks by and large thought and behaved more like supervisors than did female clerks (an implication of our earlier analysis). In the second place, and importantly, female supervisors differed relatively little from male supervisors. They displayed comparable levels of motivation, similar attitudes, and similar behaviors—and they had been rewarded for that with promotion.

Some, as we have noted, did this by avoiding marriage and parenthood, others by entering into marriages where the principal economic responsibility was theirs. In general, our data showed that the effects of marriage on the attitudes and behaviors of female supervisors were usually negligible, and as often in the direction of increasing motivation and promotion-seeking behavior as of decreasing it—a striking contrast to the situation for female clerks.

In short, those women who sought and accepted promotion at XYZ were disproportionately women who, whether willingly or through force of circumstances, had avoided the pattern of aspirations, values, and behavior which led many of their female coworkers to choose not to compete for promotion. They displayed characteristics which resembled those of male clerks and supervisors, and which set them off from many female clerks. In part, this is because many had remained unmarried, and few of the married women had small children. But even those who had married

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showed high levels of the promotion-related characteristics we have been examining: Marriage simply appears to have had less of an inhibiting effect on their aspirations and behaviors than on those of female clerks generally. The reason seems to be that they were more likely to have a household division of labor like that of their male co-workers, in which their occupational success played an important, even a primary, part.

Discrimination?

Did the relatively low proportion of women among those promoted reflect discrimination? Clearly the answer is no. It reflected differences in the behaviors and attitudes of male and female clerks —differences the company and its policies had no part in producing. These differences decrease as one moves up the organizational ladder, reflecting self-selection at each step: Those women who are prepared to seek and to accept responsibility are as likely to be promoted as men who do so.

Even at the supervisory level, though, some of the differences persisted, as we have seen. It should come as no surprise to learn, then, that XYZ's records show a much higher rate of voluntary self-demotion among female supervisors than among their male colleagues, and that the reasons given by women usually involve family demands or moves to a new locale required by their husbands' jobs.

If this survey had not been conducted, XYZ would almost certainly have lost the lawsuit, paid million-dollar damages, and been subjected to injunctive procedures setting up goals and timetables for the elimination of discrimination. If that had happened, it would have had unfortunate consequences for nearly everyone concerned.

In the first place, and obviously, male clerks who otherwise would have been promoted would have been passed over. Perhaps less obviously, female clerks who neither sought nor desired promotion might have faced pressure to accept it, resulting either in inadequate performance in higher-level positions or in stresses and forced changes in their family lives.

From the company's point of view, perhaps the worst feature of such an outcome would be the resulting deformation of its present structure of opportunity and rewards. XYZ Corporation has been the most successful company in its industry for years despite—or because of—the fact that it does not have a "management track." The excellence of its management depends on a screening process

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TABLE VIII. *Promotion-Related Characteristics, By Sex, Among Agents and Supervisors.*[1]

	AGENTS		SUPERVISORS	
	MEN	WOMEN	MEN	WOMEN
Prefer promotion to desired shift	67%	54%	88%	86%
Aspire to higher management	79	60	88	82
Summary index of motivation "high"	61	31	75	75
Would not prefer part-time job	82	56	75	78
Household responsibilities do not restrict hours available	96	92	95	98
Worked overtime in past year	91	86	91	93
Have expressed interest in promotion	39	21	63	61
Follow postings of transfers	25	10	21	6
Would accept promotion to assistant supervisor	66	52	*	*

[1] Source: Hoffmann Research Associates survey of XYZ employees.
* Not applicable, since supervisors have already accepted a promotion.

at all levels of the organization that identifies talented people, committed to the company, and rewards them for initiative, leadership, knowledge of the job, and competitive spirit. Promoting people on the basis of group membership would be as alien to the company's way (and, management believes, as damaging to morale) as promotion on the basis of seniority or some other arbitrary standard.

If, as a result of the suit, XYZ were obliged to promote women less qualified or less committed than those employees who are now promoted, it might be necessary either to lower performance standards for all supervisors or for female supervisors separately—inviting either an overall deterioration of performances or difficulties when promoting out of the ranks of supervisors. If it maintained its present standards for supervisors, it would find either much higher rates of voluntary demotion among women (aggravating a pattern that already exists) or it would be necessary to invite another lawsuit by demoting more women involuntarily. A sorry mess all around.

Whatever happened, the consumers of XYZ's services would face higher prices to pay for the settlement, and would pay for the injunctive relief through the deterioration of service, if not through higher prices.

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In short, equality of opportunity and equality of result appear to be antithetical at the XYZ Corporation. Those who argue for the latter rather than the former are eager to tamper with a complex, competitive system, and their search for simple solutions to complex problems may upset the engine of our prosperity—which relies on individual initiative and competition for rewards. In the long run, family structure, sex-role socialization, and child-rearing practices may change to accommodate women's participation as equals in the paid labor force. If so, they may attain equality of position, power, and reward in the economy. But while the family, socialization, and child-rearing may change, scarcity and competition and the need for economic growth and increased productivity will not.

We are not arguing against the application of the Civil Rights Act where discrimination truly exists. We argue here against the criteria for discrimination applied by the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs, the agencies charged with enforcing the act. A criterion of parity, the insistence that a category of individuals is entitled to rewards proportionate to its numbers and not to its members' performances, does not serve the common good. It is, in fact, antithetical to the social contract, implicit in the American tradition: An individual is entitled to the fruits of his labor, and group membership—whether in a hereditary nobility or a "protected group"—does not entitle him to benefits. This argument against the ideology of quotas is not new; it has been put better by others before, but it does not seem to be prevailing. It should.

What is a company's obligation to its female employees? It is obliged to offer them the same opportunities as men, and to reward them in proportion to their productivity. No more. It cannot, indeed *should* not, compensate women—or anyone else—for effort expended in the service of other commitments. The inequities (if such they are) of early socialization or of the division of labor in the American household are not the responsibility nor the business, in any sense of that word, of an employer.

If a company is so moved, however, it might reasonably seek to rationalize both its internal labor market and its relations to the external market—examining its seniority systems, lines of progression, training programs, and so forth. In these areas, employers may find that they can serve the interests of their employees from "protected groups" while serving their own as well, by expanding the range of opportunities for *individuals*, and rewarding those who seize them.

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Black English and reluctant judges

NATHAN GLAZER

PERHAPS the most common defense of the remarkable expansion of judicial control and supervision of state institutions—schools, prisons, mental hospitals, state schools for the retarded—that we have seen over the past half dozen years is that, in a word, "the system has failed." The legislature has not appropriated enough money for effective education, or humane rehabilitation; the administrators have been callous and neglectful of human rights; the system—legislative and executive, the "majoritarian" branches, as they are called by constitutional lawyers—has not been as solicitous of constitutional and statutory rights as the courts will be, and thus the judges must act. "The courts must stand ready to intervene where no other forum is available for the vindication of fundamental rights—this is the high mission of the American judiciary" (Lawrence Tribe, "Seven Pluralist Fallacies in Defense of the Adversary Process—a Reply to Justice Rehnquist," 33 U. Miami Law Review 43, 56-57, 1978). One indeed gets the impression, reading the constitutional lawyers urging on the courts to a larger role in managing state institutions, that the judges act reluctantly, and only outrageous conditions and clear violations of constitutional rights force them to intervene: "Judges are not in control of their own agenda, but are compelled to confront grievances or claims

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they would otherwise prefer to ignore" (Owen M. Fiss, "The Supreme Court 1978 Term, Foreword: The Forms of Justice," 93 Harvard Law Review 13, 1979).

There must, of course, be such situations, and such judges. Far more striking to the non-lawyer observer is the degree to which judges, when called upon to act by plaintiffs, are eager to oblige, and to rush in even when the evidence is clear that the system has not failed, that it is working, that administrators are responsive to the concerns raised by plaintiff lawyers. Against the ringing language of Professors Tribe and Fiss, I would like to place on the record an analysis of a lower court decision which has received wide publicity, because under this decision teachers were required to take instruction in the character and significance of black English. This is by no means a case which represents the outer limits of judicial intrusiveness and oversight: For these we must go to the work of Judge Frank Johnson of Alabama in managing Alabama mental hospitals and prisons, Judge Arthur Garrity of Boston or Judge Frank J. Battisti of Cleveland in managing public schools, and to other judges. The black English case raises many questions, but not that of the system's failure and what judges may do to set it right. It raises a preliminary question: Why does a judge act when the very testimony he summarizes in his decision makes clear to anyone of common sense that there is no need for judicial action?

One case, of course, proves nothing. But this case is not untypical of the cases brought by public-law groups trying to carve out new constitutional and statutory rights. And it is a case which will have broader consequences. Thus, one may expect similar cases to be launched in other jurisdictions, to try to expand the rights won on the basis of the first decision. Indeed, we already have actions by federal agencies which leapfrog, on the basis of the decision, in order to establish more widely the practices required by the first decision.

A second and related question: Since this is only a decision by a district judge, a decision that could have been appealed to the Circuit Courts and even the Supreme Court, why concentrate on it? It is important to realize that decisions of district judges in cases of this sort, in which orders are given as to how state agencies are to conduct their business, generally stand firm in most of their parts. In this case, the decision was not appealed—we can speculate as to the reasons, but the fact stands, in this as in many other cases, that the district judge's decision was final. And even when judging an appeal, Circuit Courts tend to be deferential to the decision of the

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district judge, who has heard the testimony in what may have been a lengthy trial, producing a huge transcript and a great amount of evidence. It is even more difficult for such a case to get to the Supreme Court. That court can accept only a tiny fraction of the cases that attorneys want to appeal to it. This low rate of acceptance guarantees that efforts to get Supreme Court review will be attempted in relatively few of the cases that might be appealed. In order to prepare an appeal, the issues are stripped down from the concrete complexity of the situation in order to find appealable issues, so that while in the end a district judge might be overruled on one or another point, he will often remain free to institute another variant of his decision, if he feels the case requires it.

And so it is likely we will never hear the Supreme Court's views on whether a federal statute really requires that teachers be instructed on the role and significance of black English, as was required in this case, or whether intelligence tests really deprive black children of constitutional rights, as another federal judge decided in a widely-vetted California case. But we may be sure that intelligence tests will remain banned in large jurisdictions, and that teachers will be taking training in black English, not only in the Ann Arbor school district, where this case was decided, but in other parts of the country as well.

A final point: How can we properly characterize from the decisions alone the situation for which redress was demanded, without going into the schools and the classrooms, interviewing teachers and parents and children and school psychologists and administrators, and how can we fault, from the decision alone, a judge who has heard all the testimony? Admittedly one may counter a critique, such as I will make of the judge's decision in Ann Arbor, with additional testimony from the many pages of transcript and exhibits, which I have not reviewed. Yet the decision—as is true of decisions in cases in which judges establish new law and move into details of administration of educational and social agencies generally—is remarkably full. The most effective testimony justifying this judicial intervention is encompassed in the decision. If this testimony nevertheless fails to convince, it is not likely that there is anything else in the mass of transcripts and exhibits that will.

The cases that are reshaping our schools, our prisons, our mental hospitals, and institutions for the retarded, are indeed enormously complex, and it is to the credit of the judges hearing them that they attempt in lengthy decisions to summarize this complexity. Nevertheless, most *discussions* of the new developments in law re-

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main at the rarefied level of Supreme Court decisions, or more occasionally of Circuit Court decisions. Yet the Supreme Court, when it comes to such cases—if it does—discusses only limited themes in them and on some important issues (e.g., requirements for deinstitutionalizing the mentally retarded, now established in many lower-court cases) it has not yet spoken. The work of the federal judiciary that is reshaping, or attempting to reshape, social institutions, takes place down below, at the district level. And the overwhelming part of what they do can never be reviewed—there is just too much of it. If they are checked by a Circuit Court or—hardly likely—the Supreme Court, it is at the margin, and a margin often remote from their cases' central actions and concerns. One must thus pay attention to what district judges do. Fortunately, they often explain in great detail what they are doing, and why.

The "Black English" case

Our case is titled *Martin Luther King Jr. Elementary School Children, et al., v. Ann Arbor School District Board* (473 Federal Supplement, 1372-1391), and was brought by Michigan Legal Services for the plaintiffs, students in the Martin Luther King Jr. elementary school. As the judge, Charles W. Joiner, wrote in describing the case:

> The problem in this case is the ability of the school system . . . to teach the reading of standard English to children who, it is alleged, speak "black English" as a matter of course at home and in their home community (the Green Road Housing Development).
>
> The case is not an effort on the part of the plaintiffs to require that they be taught "black English" or that their instruction throughout their schooling be in "black English"; or that a dual language program be provided. . . . It is a straightforward effort to require the court to intervene on the children's behalf to require the defendant School District Board to take appropriate action to teach them to read in the standard English of the school, the commercial world, the arts, sciences and professions. This action is a cry for judicial help in opening the doors of the establishment (1372-3).

Since not every problem is one a court has the authority or the ability to solve, one may ask first, why did Judge Joiner think he had the authority to respond to this cry for help? The plaintiffs had made claims under many grounds—federal statutes, the federal Constitution, the Michigan Constitution and Michigan laws, and the court had dismissed all claims except those made under a U.S. statute. The statute reads: "No state shall deny equal educational

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opportunity to an individual on account of his or her race, color, sex, or national origin by—" and here various forbidden actions are listed, among them "the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its educational program" (1372, quoting 20 U.S.C. 1703[f]). It is part of the Equal Educational Opportunities Act of 1974, proposed by President Nixon as part of an unsuccessful effort to limit busing by providing federal aid to achieve equal educational opportunities.

In this case experts were brought in from all over the country to testify on black English. While the plaintiffs did find three local experts at Wayne State University and the University of Michigan, others were brought from Louisiana, Florida, Pennsylvania, California, and Massachusetts. The judge is extremely respectful to the experts, whom he dubs "distinguished and renowned researchers and professionals" (1375), though some of them are administrators rather than researchers on issues of language. He carefully summarizes their testimony on the existence of distinctive black patterns of speech, on possible problems in teaching standard English to children who speak black English, and on the need to learn to "code switch" from one language to another depending on circumstances. None of the testimony, as presented, refers to the situation in Ann Arbor. The experts also offered advice as to the "appropriate action" called for in the statute:

> Dr. Geneva Smitherman suggested that highly skilled linguists are needed to teach the children. Others suggested that children's speech should not be corrected initially until the correction can be made without upsetting the child and feelings toward mother and home.
>
> Others suggested that students should be started in "black English" and then bridged into standard English and that persons using standard English . . . also be reverse bridged into the "black English."
>
> Others suggested the use of specifically identified reading programs, some of which are in "black English." The use of books of all sorts, including comic books, was urged to induce the unmotivated to read.
>
> Dr. Dan Fader stressed the need to make certain that the school system provides models for accepting reading as a standard and important part of a person's life. . . . He suggests that time must be set aside in each school during which everyone—children, teachers, administrators, secretaries, janitors . . . —reads, and then, in later conversation, attempts to convey what was gained from the reading (1377).

Some of the suggestions are impossible, some laughable, and some seem good common sense, such as teaching reading. Many of the suggestions have nothing to do with black English. But the

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plaintiffs only have a case if the school district has discriminated on account of race, by failing to take appropriate action to overcome a racial language barrier. And if this is the fault, only a remedy dealing with language can be prescribed by the court, despite the variety of experts' suggestions. Thus, as the court says, "Plaintiffs themselves urge a simple remedy. They would require the defendant School Board to identify each student who speaks 'black English' and then use the best of the knowledge available in the Ann Arbor school system to teach standard English, after taking into account the 'black English' background of the children" (1378).

They speak English

But now, is "black English," assuming its presence and use by some of the students some of the time, really the problem? Here Judge Joiner tells us some astonishing things: The mothers of these children "sometimes [only sometimes?] use a version of 'black English' in speaking with the children in the home setting, but can speak standard English. The mothers testified clearly in standard English and a number of letters written by one or more of them appear in the record and show that they can use standard English effectively" (1379). Since one hears language from one's mother, is it possible the children have learned a language from some other source that sets up barriers, between themselves and speakers of standard English, that their mothers do not face? No, it is not:

> The teachers in King School had no difficulty in understanding the students or their parents in the school setting and the children could understand the teachers and other children in that setting.
>
> There seems to be no problem existing in this case relating to communication between the children and their teachers or between the children and other children in the school. The answers given by plantiffs to interrogatories posed by defendants confirm this finding.
>
> Although the evidence in this case indicates that the plaintiffs at times speak "black English" at home, they also to a greater or lesser degree depending on age speak and understand standard English at school and in the home . . . (1379).
>
> [And, finally,] the court heard from each of the children. They are attractive, likable, at times shy, youngsters. Their speech in court was highly intelligible and contained only traces of "black English." This is true although the court heard tapes played of the same children in casual conversation in which talking among themselves their speech was a true "black English" vernacular. In oral speech, though, they seem to quickly adapt to standard English in settings where it appears to be the proper language" (1380).

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It thus seems that even without the assistance of trained linguists, the children have learned standard English and the difficult art of "code switching"—speaking dialect when it is appropriate, standard English when that is appropriate. With relief, one learns that they are no less competent than Swiss peasants and townsmen, who insist on their local dialect in some settings, even though in others they speak standard German.

One might think at this point the harried judge might well have said, "case dismissed." If these children have a problem, it isn't the one that the plaintiff lawyers identified and that the relevant statute addresses. But this meticulous judge considers that even if there is no communication problem as such, perhaps, "in the process of attempting to teach the students how to speak standard English, the students are somehow made to feel inferior and are thereby turned off from the learning process" (1379).

However, "there is no direct evidence that any of the teachers in this case has treated the home language of the children as inferior, but it is clear to the court that although some of the teachers rebel at calling the home language 'black English' they are acutely aware of it. . . ." Here is the entry point of a judge ever concerned to defend rights. The teachers rebel at calling the home language black English, and "do not . . . admit to taking that system into account in helping the student read standard English." This seems to be a possible fault: They "trea[t] the plaintiff students just as they trea[t] other students." Following as best he can the experts (most of whom have disagreed with each other), Judge Joiner concludes: "By requiring a student to switch [from 'black English' to standard English] without even recognizing that he or she is switching impedes the learning of reading standard English." This sentence, quoted verbatim from the decision, is the crux of the opinion. It describes the fault that must be remedied (1379).

This venial if obscure fault is, however, mitigated by other teacher practices. The teachers all testified they used a variety of materials in teaching. Some were specifically designed for students who speak black English. They treat the black children the way they treat children from Japan, China, Korea, Greece, and Spain, all of whom seem to be represented in King School. Some of the books they use "are the very ones suggested as appropriate by the experts testifying in this case." Each student named in the case has received individual or specialized assistance—one-to-one tutoring, individual reading help from a teacher, work with a teacher consultant, and the like (1379–80).

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One would think, after all this, that the case has been established to anyone's satisfaction that black English has nothing to do with the problems in educational achievement of the black youngsters of Ann Arbor. Black English refers to spoken language: And there is no deficiency established in spoken language, whether in the ability to use standard English, or to switch from dialect to standard English when appropriate. The case has simply disappeared. But not so.

Judge Joiner ponders the matter further: "The toughest question is whether it has been established that the failure to develop reading skills was caused by the language barrier. The evidence suggests other causes, such as absences from class, learning disabilities, and emotional impairment. However, the evidence also suggests that an additional cause of failure to learn to read is the barrier caused by the failure of the teachers to take into account the 'black English' home language of the children in trying to help them to switch to reading standard English" (1380–81). How the evidence suggests any such thing is mystifying to this reader of the opinion. The only evidence to this effect is the unsupported suggestions by the experts—and there is no indication in the opinion that any of these experts observed these teachers and these children in this school. One can only sadly conclude that Judge Joiner allowed the evidence of his eyes and ears, which he has reported so directly and unequivocally, to be overruled by the assertions of a group of experts, some of whom are indeed experts in linguistics, some of whom simply had practical experience in school systems, and none of whom could offer any coherent program, based on their expert knowledge, for dealing with the problem of the reading skills of this group of plaintiffs.

Applying the law

Judge Joiner now tries to apply the law to the facts. He now brings in some facts that are interesting and revealing, but play no role in his decision. Thus, we learn that these children do not come from a depressed housing project—their low-rent project is a "scatter low income housing unit, set down in an upper middle class area of one of America's most liberal and forward-looking cities." Judge Joiner also tells us:

> The problem posed by this case is one which the evidence indicates has been compounded by efforts on the part of the society to fully integrate blacks into the mainstream of society by relying solely on

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simplistic devices such as scatter housing and busing of students. Full integration and equal opportunity require much more. . . .

Some evidence suggests that the teachers in the schools which are "ideally" integrated such as King do not succeed as well with the minority black students in teaching language arts as did many of the teachers of the black children before integration . . . (1381).

While these observations are not relevant to the case, they are intriguing, and one wonders whether the evidence Judge Joiner refers to was presented in the trial, or comes from other sources.

Judge Joiner also tells us "there is no evidence that any of the teachers have in any way intentionally caused psychological barriers to learning. The mothers and the children were complimentary of their teachers" (1382). Reading this, one wonders how this school was selected to break new ground on the legal status of black English, and how Michigan Legal Services got the parents to cooperate. One tries to envisage the scenario. These are concerned parents, they know their children are not doing well, they hear about or are approached by lawyers trying to break new legal ground, and perhaps are convinced it is possible to improve the educational opportunities of their children through legal action. But one wonders whether they truly believed that black English was the problem or whether they were sold on this approach by the lawyers? The parents' own ability to communicate in standard English, their liking for the teachers, the evidence in the opinion of specific assistance for each of the plaintiff children, all suggests no pre-existing conflict, and it thus becomes a subject of some interest just how this case came to be, even if my hypothetical scenario is incorrect. Certainly it is hard to believe that the plaintiffs on their own decided that black English was their problem.

Despite all this, Judge Joiner sticks to his guns—or the guns proffered him by the plaintiff lawyers which, despite all his expressed qualms, he has decided he cannot turn down. He asserts:

The facts and the law thus establish:

1. The plaintiff children do speak a language at home and in their local community that is not itself a language barrier. It is not a barrier to understanding in the classroom. It becomes a . . . barrier when the teachers do not take it into account in teaching standard English. . . .

3. The evidence supports a finding that the barrier caused by a failure on the part of the defendant to develop a program to assist their teachers to take into account the home language in teaching standard English may be one of the causes of the children's reading problems. . . .

4. To the extent the defendant School Board has failed to take appropriate action, that failure impacts on race.

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5. The obligation of the school system in this case is to take appropriate action to overcome the language barrier. (1382).

Note that number 1 defines an indefinable and completely obscure barrier that does not seem a barrier; number 2 says it "may" be related to reading difficulties. On this basis, we come to number 5—"appropriate action" must be taken.

Finding a remedy

But what is "appropriate action" in this murky situation?

The experts ("impressive and experienced," Judge Joiner tells us) have pointed to effective ways to teach of reading. "A large amount that has been testified to as appropriate action has been tried at King in one form or another" (1382). (Experts, as well as political candidates, are always suggesting as new and untried what is already old and tried.) So what is "appropriate action"? Here the court gives its formal obeisance to the now quaint position that the judicial forum exists for limited purposes. "It does not . . . seem to the court that the judicial forum is the appropriate place to make determinations of this sort." Nevertheless, resting himself on the statute, the judge ordered the district to submit within 30 days a plan "*defining the exact steps to be taken* (1) to help the teachers of the plaintiff children of the King School to identify children speaking 'black English' . . . and (2) to use that knowledge in teaching students how to read standard English" (1383).

What can such a plan possibly be? Well, one should not underestimate the ingenuity of educators and educational consultants. A plan was indeed submitted, but it would be cruel and unusual punishment to inflict it on any reader. The Board proposed "an inservice program for teachers in general language and dialect concepts. . . ." In addition, "the plan provides for a significant number of persons to manage and supervise the project and a method of evaluation, together with a budget to pay for its cost" (1385, 1388). Perhaps only one significant and quite comprehensible quotation from the plan itself is needed: "All King Elementary School professional staff will receive a stipend for their participation beyond the contractual day as agreed upon with the Ann Arbor Education Association" (1386).

The plaintiff lawyers challenged the plan, proposing among other things the implementation of a "Humaneness Plan," regular parent consultation, and various other additions and expansions that would

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increase the cost of this Quixotic enterprise, and finally "that counsel representing the plaintiff children should have veto power over the selection of the external expert consultant in linguistics and reading" (1389).

The judge, however, felt he had done quite enough. His only problem with the plan was the evaluation component. This component, as is typical for evaluations, was an evaluation of whether the plan had been carried out. The judge somewhat naively thought the evaluation should also determine whether the children had advanced in reading. But it is a rare evaluation plan, as evaluation experts know, that looks to such meaningful objectives. The School Board, more sophisticated in these matters, proposed something more standard: Had the experts and consultants been hired, the meetings held, the reports filed, the participants queried as to their reactions, the teachers asked if they had done anything as a result of their additional training? Indeed, why should anyone expect that this enterprise would contribute to reading ability, in the light of the evidence? If one were really to attempt to evaluate the contribution of the plan to improvement in reading skills, we have enough knowledge and experience already to predict it would be nil. In this respect, the school district was wise to eliminate this element.

One asks, in such a case, why did not the school district appeal? There must be many reasons for this, but one should recall this is a liberal school district, doing its best for all its children, a sophisticated school district in a university town, and it had already lost the case in the District Court. (One wonders at the competence of its lawyer, in view of all the evidence referred to by the judge, since the relief asked for—which was in any case impossible to specify—was irrelevant to the plaintiffs' problem.)*

But then again, why appeal when what the judge required was the sort of thing that school districts do all the time anyway: in-service training on given problems, using special consultants, with teachers properly reimbursed for their time? But perhaps there is another reason, and a more legitimate one: With the broad statute under which the case was tried and decided (no denial of equal education opportunity on account of race by "the failure . . . to take

* There was a debate in the Ann Arbor School District Board over whether to appeal. The School Board voted 5 to 4 not to appeal, though the Superintendent wished to, and some parents wanted to also. See Elizabeth Roberto, "Constitutional Law—Equal Educational Opportunity—Failure to Consider Black English in Reading Instruction," 26 Wayne L. Rev. 1094 (March 1980), a legal analysis of the decision which shows it is as defective in law as it is in common sense.

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appropriate action to overcome language barriers . . ."), the case might have been lost on appeal. So the forms of law were satisfied; the only surprise would be if all this had any effects on the reading ability of the plaintiff children.

Consequences

This was a case involving not a class, but a single school and single school district. It is a "landmark decision" despite that. And its lesson is spreading.

Just as any school district now knows, after the case of *Larry P.* in California—banning the use of I.Q. tests to place black children—that it ought to be careful about using intelligence tests, so any school district knows it ought to be doing something about black English. If it doesn't know, the National Institute of Education is trying to tell it. Its Summer 1980 bulletin tells us that the case "has important implications for educational researchers and teachers nationwide." NIE leapt into the opening provided by Judge Joiner, and in September 1979 it brought together eight "distinguished language researchers and practitioners in a day-long seminar to isolate the problems of implementing the Ann Arbor decision." NIE and the Ann Arbor Public Schools also jointly sponsored a second conference in June 1980, attended by 75 people from school systems across the country.

So if there is a black English barrier to reading—and Judge Joiner did think there "may" be, though reading his decision one can also discern a good deal of doubt—the law has now been established that something (just what remains unclear) should be done about it, not because any school district or teacher thinks it is there and something *should* be done about it, but because a judge has so determined, if on the shakiest of grounds. So are we governed.

Did the system fail? There is little evidence in the case of indifference to that which agitated the plaintiffs, or their lawyers. In Ann Arbor, a liberal university town, there was no hint that the School Board was indifferent to the plight of black children. Rather, there is much evidence of teacher concern, and, indeed, the fact that the Board moved rapidly to implement the requirements of the court suggests it was willing to try anything.

The system—as far as activity and response goes—did not fail. The lawyers in this case seized on a relatively insignificant potential change—insignificant in its potential effect on the improvement of educational achievement—and made a big case out of it. What

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they were proposing was not insignificant, though, from the point of view of managing a school system. At the least, it imposed costs.

Whatever the losses to school systems, the gains to black children will be insignificant or nonexistent. Black children on the average, we know, do worse in school than white children. They even do a little worse than children of Spanish-speaking background. Is it lack of attention to or respect for the distinctive dialect of some black children that is crucial? Children of all backgrounds have found everywhere that their distinctive languages or dialects do not receive any particular respect in school. The experience is so common as hardly to need attention, but I recall teachers who mocked me for sounding like a Jewish tailor reciting his accounts, not to mention the two failed courses in required speech that I (and I suppose other Jewish students) suffered because of dentalized t's and other faults that we could not hear. This is the experience of acculturation and of learning a standard dialect, or at least learning enough of it so as to communicate effectively. What effect can the special courses to heighten sensitivity to black English have in this matter? The teachers will listen obediently to the view of current-day linguists that each dialect is as good as any other, that each can be a vehicle for communication as effective as any other, will nod acceptance of current wisdom—but what are they to do when children use "be" instead of "am," and follow other patterns of one dialect common among rural and lower-class blacks, misspell common words so that they approximate their speech, and the like? One effect of the course in black English will be to encourage teachers to try even less than before to correct faults—after all, the authorities themselves, hired at the bidding of the court by the School Board, have told them they are not faults at all! And after all this effort of sensitization to black English, will these children read any better, write any better, communicate more effectively, do better at understanding and filling out forms? It is an exercise in futility, and one can only be grateful that Judge Joiner limited the remedy to the relatively inoffensive, if pointlessly expensive, matter of seminars for teachers on black English.

One may acknowledge that the system has failed in one key sense. Whatever the responsiveness of the Ann Arbor school authorities, the black children are still failing, and that, in some sense, is a failure of the system. But of what part? In what sense? And how is it to be corrected? What one finds here is a real grievance—my child is not learning, has not learned—and, then, a lawyer who searches the law, interviews the experts, stretches his own imagination, and

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comes up with something that he thinks will help, and that he can argue in addition is a right. The thing he comes up with is minor compared to all the factors that are leading to the grievance. After the winnowing of the court process, something even more minor may be granted to the plaintiffs. But whatever the causes of the failure, it is an act of ungrounded faith to believe that trying to heighten sensitivity to black English can play any but the most insignificant role, if that, in mitigating it.

Neither the plaintiffs, nor their lawyers, nor the court, know how to remedy the problem. And apparently the school authorities don't know either. And yet the school authorities are in the best position to find out and do something about it. But this is a long, sustained and difficult process. Interesting in this and similar cases is the absence of the classroom teacher. She—or he—would not make a very good witness: The testimony would be too complex, and it would be testimony neither for one side or the other. Yet it is only on the basis of asking the teachers, observing the classrooms, trying out different processes, in short—alas—through some long-range and sustained research, unsuited to the judicial process, that one could find out what things could be done, and try to do them. Unfortunately, this is not part of the adversarial process by which rights are established. Rights brook no experiments.

The process of adjudication works when the objective is clear, the steps are determinate, and a court can order they be taken. Such an objective was declaring unconstitutional that legislation which prescribed segregation in the Southern states. But if the objective is improved educational achievement, it cannot be ordered, because we do not know the intermediate steps, the actions that must be taken, to achieve it. There is no evidence that eliminating the option of special classes for students with special needs—the objective of the *Larry P.* litigation—will move us toward this objective, or that sensitizing teachers to black English (assuming that is possible) will do it. And yet this is what the overall objective is reduced to when one resorts to the law to gain something which no simple order—or, indeed, complex order—can encompass or provide.

The orders in this case can be fulfilled, and indeed have been fulfilled. Ann Arbor tells its teachers there is such a thing as black English. But how paltry this achievement is, how meaningless, in the light of the task to be handled.

No, judges are not dragged unwillingly into these matters. In this case, and in many others, the evidence stands before them

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which permits them to say to plaintiff lawyers, "your problem is not one I can remedy, and the remedy you propose is irrelevant to the problem. You have a problem, all right, indeed we all have a problem, plaintiff, defendant, and the society at large, but it is not a problem that can be addressed by the manufacture of more rights, whatever satisfaction that gives to lawyers. And the only honest thing to say in such a situation is, case dismissed."

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Welfare: reforming our expectations

BRADLEY R. SCHILLER

OUR experience with welfare and welfare reform is easily summarized in a litany of failures. Three observations suffice: Past welfare programs and reforms have failed to satisfy our welfare goals; welfare reforms presently being tested are also failing; future reforms will continue to fall short of our present expectations.

The failure of present and past welfare programs is evident in the continuing demand for welfare reform, and in on-going debates, experiments, and conferences on the subject. Failure is also evident in the size of the welfare rolls. Only 3 million people were receiving Aid to Families with Dependent Children (AFDC) welfare benefits in 1960. Today, after two decades of assorted welfare reforms and billions of dollars in expenditure, nearly 11 million people are receiving AFDC welfare benefits. Millions more are receiving food stamps and other in-kind benefits.

The failure of welfare *reform* is confirmed by the same phenomena. President Carter's first effort at reform—the Program for Better Jobs and Income—was abandoned before most people had learned its acronym. Although it held out the promise of guaranteed jobs for all able-bodied welfare recipients, the cost of keeping that promise was regarded as excessive. Many critics also

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questioned the Administration's conviction that "employable" welfare recipients were easily distinguished from "nonemployable" recipients. Even if such a distinction could be made, some people doubted whether jobs alone would solve the multiple problems that afflict so many "employable" welfare families.

The Administration's second and more modest reform proposal in the end turns out to have been mortally wounded in the anti-inflation fight: Welfare reform was high on Mr. Carter's list of lambs to be sacrificed to budget cutting. But it would have died anyway; few people outside the Administration even knew the content of the second reform proposal(s).[1] Our continuing search for "good" welfare proposals is sufficient evidence that the Administration's latter-day bills were not regarded as adequate solutions to our welfare problems.

Trying everything

Why is our experience with welfare so laden with failure? Is it because we haven't tried hard enough? Hardly. Just about every conceivable service and sanction has been tried. In colonial times, when poverty was viewed as a curse on those of disreputable character, antipoverty efforts emphasized religious training, corporal punishment, and physical expulsion. In Pennsylvania, paupers had the shoulders of their right sleeves adorned with the letter "P" to warn unsuspecting strangers of their status. Very little was done to help the poor become more self-sufficient or even more comfortable.

More recent welfare efforts have been more compassionate, though not necessarily more successful. In 1935 systematic income support was established. It was intended only for widowed mothers of young children, however. Other poor families were expected to fend for themselves—even in the midst of the Great Depression —or to get by with public works jobs and unemployment compensation. That "widows" program later became Aid to Families with Dependent Children, the real core of our present welfare system.

In the early 1960's a new approach to welfare was introduced. The continued growth of welfare caseloads in the midst of ge-

[1] The Administration's second reform proposal encompassed two bills: the Social Welfare Reform Amendments, which alter eligibility and payment procedures, and the Work and Training Opportunities Act, which mandated systematic job search, training, and subsidized employment (mostly under the authority of CETA).

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neral prosperity led to the belated recognition that welfare families might have specific social and personal problems that precluded their full participation in the economic mainstream. In a sense, this was a throwback to the colonial view that there was something "wrong" with poor families. But this time the remedy prescribed social services to the poor, not corporal punishment or religious training. This new view of dependency spawned a vast social-services establishment. That establishment provided welfare recipients with psychological counseling, homemaking advice, child-care assistance, educational classes, and other services. The intent of this welfare reform was to solve the personal problems that kept people on welfare.

Despite these new services, people remained poor and dependent. In fact, the AFDC caseload continued to grow in the 1960's. Hence, another "reform" was called for. This time (1967) manpower services were added to the welfare system. Once their personal problems are taken care of, it was agreed, welfare recipients still need vocational training and experience. The new reforms—embodied in the Work Incentive Program (WIN)—emphasized investments in human capital. All able-bodied adults receiving AFDC benefits would have an opportunity to acquire skills and work experience. Those investments would yield a return in the form of increased self-sufficiency among welfare recipients and reduced welfare caseloads.

Although WIN succeeded in helping some recipients become economically independent, welfare caseloads continued to grow. In the first four years of WIN's existence, AFDC caseloads grew by 3 million people. How was this possible? United States Senators Long and Talmadge offered two explanations for the continuing growth of welfare caseloads. First, welfare recipients simply did not want to work. Second, the bureaucracies at the Department of Labor and the Department of Health, Education, and Welfare didn't really believe welfare recipients should have to work. The Senators' beliefs led to yet another reform of the welfare system. The Talmadge Amendments of 1971 strengthened work requirements for welfare recipients: All able-bodied AFDC recipients without responsibilities for children under six were *required* to register for WIN services. The amendments also *required* program administrators to spend a larger portion (one-third) of their WIN budgets on subsidized training and employment. Social and vocational services were to be cut back sharply, in favor of on-the-job training and public service employment.

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The WIN program was subjected to further reform in 1975. On-the-job training and public service employment are expensive. What's worse, there was little evidence that either effort was reducing the welfare rolls. Hence, the 1975 reforms stressed greater exposure to the general labor market. AFDC recipients were required to look for private-sector jobs, with the assistance of WIN placement services. This mandatory job search was intended to serve two purposes. First, it would remind recipients of their responsibility to find jobs and get off welfare. Second, mandatory job search might even increase the efficiency of local labor markets by filling some job vacancies. In the process, life on welfare might become more uncomfortable, with the result that more people would be deterred from seeking or maintaining welfare status.

Taken together, these various welfare reforms would seem to have provided welfare recipients with every social and manpower service they might need to become productive workers. In its various manifestations, WIN alone has provided the following services: child-care assistance and financial aid; family planning; home and financial management; housing improvements; literacy training; basic education; high-school-equivalency training; vocational counseling; vocational training; training stipends; employer tax credits; vouchers for training and education services; work-orientation-and-experience positions; personal counseling; transportation assistance and subsidies; job search, referral and placement assistance; medical examinations and care; on-the-job training; and subsidized public employment. Indeed, most of these services have been available simultaneously, and financial incentives and sanctions have been used to help speed the actual movement of recipients off the rolls and into the jobs. Perhaps we haven't tried everything or all combinations of services, but no one can fault WIN's record of experimentation. The failure of previous welfare programs and reforms cannot be attributed to a lack of ingenuity.

High expectations

If welfare failure can't be explained by a lack of ingenuity, how is it to be explained? Perhaps we've been expecting too much. Failure, after all, is not an absolute concept. Failure, like success, must be assessed in terms of specific goals. Senator Kennedy, for example, claimed he won 1980 primaries in Iowa, Maine and Vermont—though President Carter received more votes in all three places. By setting low goals, Kennedy avoided failure. Perhaps

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we should have done the same thing for welfare. To date, our expectations have been very high; had they been lower, welfare might look far more successful.

What are our present expectations for welfare reform? There are two of real importance. The first is that the number of people on welfare can be reduced. More specifically, that welfare reform can and should succeed in putting all able-bodied recipients to work. This is the basic *employment* goal of welfare reform. The second expectation relates to the *benefits* distributed by welfare programs. The goal here is to distribute benefits more equitably, both across families and between levels of government.

The first expectation is the driving force behind welfare reform. Taxpayers have convinced themselves that people on welfare are lazy—that they could and should work harder to support themselves. This conviction, which has deep roots in psychological and economic self-interest, is the well-spring of all welfare reform. Indeed, no reform of welfare is possible without catering to this conviction. Richard Nixon knew how to do this. He rallied public and Congressional support for welfare reform by declaring that the present system was "a haven for chiselers and rip-off artists." The facts, carefully documented in scores of government-sponsored studies, painted a very different picture. But those facts were irrelevant, even counter-productive to the momentum of reform. By catering to the public's prejudices, Nixon nearly succeeded in reforming the welfare system. It was only the last-minute recognition that the Family Assistance Program would *increase* welfare rolls and costs that caused it to be abandoned.

The second expectation—for a more equitable distribution of welfare benefits—is of distinctly secondary concern to the general public. For the most part, the taxpaying public is convinced that welfare recipients already get enough benefits. And it is true that the initial welfare goal of alleviating extreme poverty has been met, even though virtually all AFDC recipients still live below poverty standards. Remaining questions of adequacy or of vertical and horizontal equity are vital concerns for administrators and reformers, but stir up few passions among the taxpaying public. At best, taxpayers are willing to acquiesce in such reforms, and then only if they are part of a package that promises to ferret out the chiselers and rip-off artists.

The public's overriding conviction that welfare recipients are indolent explains the schizophrenia which characterizes past and present efforts to reform the welfare system. No reform can really

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satisfy this expectation. The truth of the matter is that relatively few of the 10 million or so people receiving welfare benefits can be characterized as chiselers and rip-off artists. They are probably no less virtuous than the rest of us. But their dependence on welfare is explained more by a complex set of social, economic, and personal circumstances than by any aversion to the work ethic. People who administer welfare programs know this. So do scores of researchers who have undertaken detailed studies of welfare attitudes and behavior. But the public and Congress reject these simple truths. As a result, we continue to design, demonstrate, and implement an endless series of so-called reforms. Each one is hailed as the precursor of more work and less welfare. Then each is abandoned when those high expectations are shattered by welfare reality.

"New" reforms: the continuing quest

Perhaps this judgment is too harsh. Perhaps past reforms, however numerous, were simply misguided. Maybe there still is a welfare reform design that will substantially increase employment of the poor and reduce welfare caseloads. There are surely more than a few administrators and researchers who cling to this conviction.

There is a *prima facie* case for believing in the future of welfare reform. In general, all previous reforms have focused on the *supply* side of the labor market. The primary intent of those reforms was to alter the characteristics of welfare recipients, making them more attractive to employers on the theory that, as it were, a skilled worker creates his own demand. The *demand* side of the labor market was pretty much ignored. It was implicitly assumed that jobs for welfare recipients were already there, in the form of standing job vacancies, or would soon be created when employers saw this transformed labor supply entering the market.

More recent reforms haven't made this mistake. Indeed, the most unique characteristic of recent and pending welfare reforms is their explicit focus on the *demand* side of the labor market. The immediate objective of most recent and pending reforms is to create jobs that welfare recipients can fill immediately. In the process, they may acquire work habits and skills that lead to financial independence. Four such efforts are worthy of special notice.

Supported Work. A central fact of our welfare dilemma is that millions of adult AFDC recipients have minimal job skills or ex-

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perience. Over 90 percent are females with sole care of dependent children. By the time the children are in school and in less need of a full-time homemaker, the mother has accumulated a history of welfare dependence and no work experience. These mothers are a central concern of employment strategies designed to reduce welfare dependency.

Since 1975, the Supported Work projects have tested the potential employability of these "unemployable" welfare mothers. Supported Work provided a carefully-designed, highly-supervised work experience for AFDC mothers who had been on welfare more or less continuously for at least three years (the average stay was eight and a half years), had no children under six years of age, and had little work experience. For a period of nine months, these welfare mothers were engaged in low-skill, group work projects. The intent of these projects was to provide a work atmosphere that would increase recipients' attachment to the labor force and ultimately lead to increased employment and less welfare dependence. A unique research feature of the Supported Work projects, implemented in seven cities, was that the 1,000 AFDC participants were randomly selected from the pool of eligible welfare mothers.

Work Equity. The Work Equity Project (WEP) is a demonstration program that has been underway since mid-1978 in Minnesota. In essence, WEP is a guaranteed, mandatory jobs program. All employable AFDC, General Assistance, and Food Stamp recipients in the affected counties are required to accept jobs in Community Work Projects if other suitable employment cannot be found. The unique feature of WEP is that it is fully funded. That is to say, WEP is designed and funded to supply jobs for *all* employable welfare recipients. By contrast, WIN, CETA, Supported Work and other employment and training programs (including Mr. Reagan's welfare reform in California) have not been in a position to serve all eligible recipients. WEP is thus testing our ability to create jobs, while eliminating a major explanation (lack of jobs) for past welfare failures.

Employment Opportunity Pilot Projects (EOPP). The basic WEP model was expanded and tested in 15 other sites with a jobs demonstration funded by the Department of Labor. These Employment Opportunity Pilot Projects have added two distinguishing characteristics. First, employable welfare recipients and applicants are required to participate in an intensive job search, for a period of five to eight weeks. The job-search component includes training in job-finding techniques, as well as the provision of counsel-

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ing, supportive services, and employability assessment. Second, EEOP's are sufficiently funded to create subsidized jobs or training for all participants who fail to find jobs during the intensive, front-end job search. It is expected that most of the subsidized jobs and training slots will be integrated with CETA. The EEOP sites started operations in mid-1979 and are just beginning to grapple with the subsidized-jobs components. EEOP may never complete this part of the test, as it too appears destined for the budget-cutting axe.

Total Registrant Involvement Projects (TRIP's). Another demonstration project begun last year is the Total Registrant Involvement Project, now underway in five counties. Like WEP and EEOP, TRIPs are distinguished by their level of funding: Sufficient resources to serve all eligible recipients are available. TRIP's are further distinguished by two program features: 1) a mandatory group job-seeking, and 2) a limitation on the use of public service employment. During the group job-search, participants spend entire days in the TRIP office telephoning potential employers. The focus is on active job search by recipients themselves rather than subsidized placements or referrals, and reflects a conviction that public service employment has not been very effective in generating private-sector jobs after program participation.

The emphasis of these programs and demonstrations is clearly different from earlier programs. There has been a decided move from the supply side of the labor market to the demand side. The emphasis now is on finding or creating jobs welfare recipients can fill. Much less emphasis is put on skill development or other improvements in employability.

The question, however, is whether this new emphasis on the demand side of the labor market justifies renewed expectations for a reduction in welfare caseloads. Will these reforms succeed where others have failed?

There are several reasons for restraining our expectations. First, the "new" reforms don't really offer any new services or opportunities. Work experience, training, subsidized employment and job search have been available to welfare recipients since at least 1968. The early WIN program, although it emphasized social services, also offered work-experience slots. WIN-II was even more job-oriented; subsidized jobs and training were its principal characteristic. What distinguishes the new reforms and experiments is not the availability of job opporunities *per se*, but rather the emphasis put on such opportunities and the level of funding. The

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new reforms seek to expose more recipients to these opportunities, while reducing or eliminating supply-side services. The design of WEP and EEOP was most explicit in this regard; they proposed to provide job and work-experience opportunities for *all* recipients, thus satiating labor demands.

New hope?

Why should this approach do any better than WIN? WIN not only provided job and training opportunities, but also buttressed them with counseling, education, and training services. Welfare recipients who participated in the program *did* find more and better employment later. But the net results have been quite modest. The normal flow of families off (and onto) welfare is quite high due to continually changing personal, family, and economic circumstances. Very few additional families moved off of welfare as a result of the opportunities provided by WIN. The average net reduction in welfare benefits was less than ten dollars a month. WEP proposed to achieve better results with fewer services! EEOP proposes to do the same.

The administrators of WEP have already seen the folly of their design. In St. Paul and elsewhere the welfare recipients placed in Community Work Project jobs without prior counseling and training soon left those jobs. In fact, the early drop-out rate was so high (30 percent) that local administrators decided they could no longer operate a jobs-only program. *Creating jobs in the public sector was pretty easy. But providing welfare recipients with the skills, services, and confidence to succeed in those jobs was much more difficult.* Instead of moving a majority of all registrants into jobs immediately, as was first planned, WEP found that only a minority of the recipients were ready for immediate placement. Of these, less than one-fifth were placed in Community Work Projects, though 55 percent had been envisioned in the WEP design. The researchers responsible for evaluating WEP themselves concluded that the program was "relearning the lessons of WIN." In other words, demand-side intervention is not enough. The employment problems of welfare recipients require initiatives on *both* sides of the labor market. The local administrators of EEOP appear to be coming to the same conclusion: Most sites are providing an array of social and other services during the mandatory job-search period. Those who are responsible for implementing welfare-reform plans seem to be convinced that single-service in-

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terventions are simply inadequate responses to the problems of welfare.[2]

There is another dimension to WEP and WIN that should restrain our expectations for welfare reform. These and other programs are not attempting to provide employment or services for *all* welfare recipients. A large portion of the welfare caseload is exempt from participation, and not really expected to find work. Among those exempted are mothers of children under six years of age, and persons with disabilities. President Carter's two reform proposals also explicitly incorporated this two-tier structure of "employable" and "nonemployable" recipients. This means that *welfare reform is not even trying to reach 70 percent of the adult welfare population.* Even the encouraging results from the supported work demonstrations are applicable to only 15 percent of the AFDC population. Under these circumstances, can we really expect welfare reform to reduce sharply the size or cost of the nation's welfare caseload?

One other source of pessimism may be noted. To date, our various work and training programs have served only a modest proportion of all welfare recipients. More ambitous work and training programs would undoubtedly have unintended effects on labor markets and welfare caseloads. In labor markets, the greater creation or assignment of "welfare jobs" would tend to reduce the number of non-welfare jobs. This kind of substitution has been documented in other job programs, particularly that of the Comprehensive Employment and Training Act (CETA). What it means is that people not on welfare will find it a bit more difficult to locate jobs.

A related kind of substitution is also likely to occur. If the jobs or training opportunities available to welfare recipients are truly attractive— i.e., enable a worker to support a family with his or her wages—welfare status will become more desirable. There is a risk that welfare eligibility may come to be regarded as the ticket out of low-wage jobs or unemployment. This is a problem that has been widely discussed with respect to welfare *benefits.* If this happens with respect to welfare *jobs,* the welfare rolls will become a faster revolving door for low-income families. Welfare rolls might even increase.

This risk cannot be avoided by offering welfare recipients unattractive jobs. WEP tried to do this initially, by designing jobs that

[2] The multi-service program adaptations introduced by local administrators reduce the chances for ever testing this conviction, or the validity of the original design.

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paid the federal minimum wage. Such low-paying jobs do not provide enough income for a family to move out of poverty, however, and do not even compete well with welfare benefits. Thus it appears that neither good jobs nor bad jobs will satisfy our reform intentions.

Where does all this leave us? Should we abandon welfare reform altogether? Certainly not. The welfare system in its many manifestations has helped millions of individuals and continues to do so. In this sense, the system has largely attained its original goal of providing minimum income support. In addition, the employment and training services have helped thousands of families achieve greater financial independence, thereby reducing the need for further income support. These are clear successes, but they are not enough. Political and economic interests demand that we learn how to improve the efficacy and efficiency of the welfare system. Indeed, in an era of government retrenchment, the efficiency of our welfare system in delivering services and reducing dependence is sure to become the paramount welfare issue.

It is not welfare reform, but our high expectations for the results of reform that must be abandoned. What we have learned from experience is that moving families off of welfare rolls and into employment is a slow, frustrating, and expensive process. Moreover, it is a process that yields very small returns. We are dealing with the outcomes of a highly complex set of social, personal, and economic circumstances. Short-term, limited interventions into the welfare experience are not going to transform these circumstances in any substantial way. These are realities of which we must remind ourselves, and which ought to frame the pictures we paint of our favorite reforms and proposals.

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"Catastrophic" health insurance— a misguided prescription?

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WHEN the economy was sound and medical care more affordable, comprehensive national health insurance was a top priority measure on the liberal political agenda. The straitened circumstances and escalated medical costs of recent years, however, have compelled analysts and officials to lower their sights. Seeking something short of national health insurance that would nevertheless insure people against the crippling costs of severe accidents and illnesses and long-term hospitalization, they have hit upon the simple idea of "catastrophic health insurance." Such coverage, it is believed, would provide Americans appropriate care for unavoidable high-cost illness at a fraction of the cost of any comprehensive care program. But is this the case?

Proposals for catastrophic health insurance characteristically have a simple benefit structure whereby medical expenditures above some annual dollar threshold would be fully paid for all illnesses and conditions. This approach is justified by the assumptions that high-cost illness strikes individuals at random and accounts for a small share of total resources, and that a large portion of its costs cannot be controlled by either the patient or the institution delivering care.

These perceptions are often influenced by first-hand knowledge of a small group of tragic cases. For example, during the 1978

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Kennedy hearings on national health insurance, the stories of 68 high-cost users attracted the spotlight. Similarly, personal testimony had a major impact on the Kidney Disease Amendments of 1971, after hearings during which patients were actually dialyzed in front of Congressional committees. However compelling these scenes may be, they simply do not adequately represent what might now be called, and under national health insurance surely would be considered, "catastrophic" illnesses.

Study of the available evidence has convinced us that many common perceptions of the nature of high-cost illness and the characteristics of patients are either too simple or plainly wrong. First, the costs of treating high-cost illness account for a much larger part of all health costs than is generally believed. Second, its characteristics and financial implications vary widely across patient groups. Third, it is more often long-term and repetitive than short-term and acute. Fourth, some costs of care appear to be, in part, controllable with appropriate incentives. This new evidence requires a new and more complex understanding of the nature of medical "catastrophes." On that basis, proposals for insurance should be reformulated to protect people from financial ruin while maintaining incentives to contain the cost of medical care. Comprehensive national health insurance is considered too expensive and as giving the wrong incentives. Catastrophic health insurance will be little better if the nature of high-cost illness is not properly diagnosed and understood.

Diagnosing the nature of high-cost illness

Case-by-case review of patient medical records in selected hospitals in California and Massachusetts have been conducted recently by Zook and Moore, and Schroeder. These studies, together with the work of Birnbaum, provide the principal sources of detailed information on the identity of high-cost patients.[1] They reveal important and sometimes surprising facts about five facets of high-cost illness: its total cost, its typical time span, the role of medical technology, the importance of unexpected medical complications, and the frequency of potentially harmful personal habits among some expensive patients.

[1] Christopher J. Zook and Francis D. Moore, "The High Cost Users of Medical Care," *New England Journal of Medicine*, 302, 1980, pp. 996-1002; Stephen Schroeder, *et al.*, "Frequency and Clinical Description of High Cost Patients in 17 Acute Care Hospitals," *New England Journal of Medicine*, 300, 1979, pp. 1306-1309; and Howard Birnbaum, *Catastrophic Illness in the United States* (Boston: Lexington Press), 1978.

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1. *Medical expenditures are highly concentrated.* National medical care expenditures are concentrated in a small fraction of patients. In any given year, about half of the resources in a typical hospital are consumed by only 13 percent of the patients. The most expensive one-fifth of patients accounts for nearly 70 percent of total resources. Since one person in ten is hospitalized each year, this implies that 1.3 percent of the nation's population may account for half of all charges in short-stay hospitals. This skewness is not primarily a function of patient age. Though the aged account for nearly 40 percent of high-cost patients, there is a similar pattern of concentration within each age cohort. (In fact, some of the most expensive patients begin their "careers" at birth with non-lethal congenital abnormalities.)

Of all patients in the five hospitals in the Zook-Moore study, the high-cost 10 percent had direct hospital charges in 1976 averaging $30,000.[2] All of the high-cost patients had expenses above $15,000. Inclusion of charges for professional services, outpatient care, home care, drugs, and institutional services would further increase these amounts. Though there was considerable variation across hospitals in the average level of expenses, the distribution of medical resources was highly skewed in every hospital.

Though our data are derived from short-stay hospitals, there is evidence that a substantial additional portion (one study suggests half) of high-cost patients are in nursing homes, special disease hospitals, terminal illness facilities, or mental institutions. Each year, 1.6 million people spend some time in an institution of this sort. Together, they represented a total institutional care budget of over $17 billion in 1976, implying an average expense per capita of over $15,000, with some patients consuming many times this quantity of medical resources. Including both long- and short-stay institutions, approximately 2 percent of the United States population accounts for over 60 percent of all hospital and institutional care resources in a given year. If high-cost "institutional" (e.g., chronic domiciliary) users disproportionately overlap with high-cost users of a short-stay hospital, as they surely must, the concentration is even greater.

This significant concentration of medical resources appears to be increasing over time. One study has shown that the average medical expenses for the high-cost 1 percent of persons in the population in a year are growing at a rate that is 5 percent greater

[2] All figures are inflated to 1980 dollars.

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than those of the least costly 25 percent of persons. Thus, the most expensive patients are becoming both absolutely and relatively more expensive to treat.

2. *High-cost illness is seldom a single episode.* Discussion of catastrophic health insurance often depicts patients in intensive care or "brain death" as typical of high-cost illness. In contrast, we find that high-cost illness is most often longitudinal in nature, comprising a series of treatments and hospital episodes over time rather than one medical emergency. In the Zook-Moore study of six populations in five hospitals of varied nature, the highest-cost 10 percent of the illnesses treated in a year were classified into several categories; single cost-intensive illness ("intensive care"), single prolonged hospitalization, repeated hospitalization for the same disease, and combinations of these categories. Repeated hospitalization for the same disease was by far the largest of these groups, accounting for 50 to 90 percent of high-cost patients in the different populations.

A large proportion of high-cost illnesses are not imminently terminal, but rather extend over many months or years. The recidivists in the high-cost group were 15 years younger on average than other high-cost patients with cost-intensive or prolonged hospitalizations and frequently suffered from a degenerative or irreversible long-term illness, such as advanced coronary artery disease or cirrhosis of the liver. Only 12 percent of the recidivists died in the hospital or were judged to be imminently terminal at discharge. The one-year hospital charges of the recidivists averaged $15,800.

In contrast, half of the patients with single cost-intensive hospitalizations died in the hospital or were judged terminal at discharge. The average cost (excluding physician fees) of this type of stay was $15,000. Twenty-two percent of patients with a single prolonged hospitalization died or were terminally ill, and the average cost of their stay was $18,700. Previous studies of intensive care have shown even higher in-hospital fatality rates and expenses. There is no doubt that these illnesses have a tremendous financial impact on the hospital and they have understandably drawn a great deal of public attention. However, neither intensive care nor prolonged hospitalization was the most frequent type of high-cost utilization over periods of a year or longer, that distinction belonging to patients who underwent repeated hospitalizations for the same disease.

3. *Medical technology is not the primary source of rising costs.*

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Technological advances are often thought to be the principal cause of the high costs of individual "catastrophic" illnesses. (Coronary artery bypass grafting, kidney dialysis, and hyperalimentation are commonly cited examples.) Yet there is evidence to suggest that high daily hospital charges and high costs per illness typically reflect the use of a large total volume of standard resources—often fairly simple—rather than the application of a new technology.

Among the high-cost patients in the Zook-Moore study, a major procedure or treatment seldom accounted for a large share of total costs. Only 1 percent of this group had a cardiac pacemaker, 4 percent had a recent coronary artery bypass graft, 6 percent were on dialysis, 1 percent had open heart surgery, less than 1 percent required hyperalimentation, 2 percent required radiotherapy, and 2 percent required care in a neonatal intensive-care unit. (Since two of the hospitals studied had large kidney disease services, the incidence of dialysis may be higher than in the population overall.) These figures resemble the results of a study of 17 California hospitals which concluded that high-cost patients differed from their low-cost counterparts more in the amount than in the kind of care received.

Therefore, for high-cost patients (as for others) most days spent in the hospital do not include major tests or procedures, let alone intensive care. Though high-cost patients have more complex days somewhat more often than low-cost patients, the difference was much less than one might expect. The Zook-Moore study classified hospital days into four categories, depending upon their complexity. Briefly, the categories were: (1) routine dwelling days; (2) days of minor testing, blood work, physician consultation, and special intravenous medications; (3) days of major diagnostic testing, minor operations, or special precautions; and (4) intensive care, operations over three hours, emergency admission for major trauma, or life-support services. So-called "intensive care" days were more than twice as common for high-cost patients than for other patients, but they still accounted for only one day in eight for this highest-cost category. Routine dwelling days represented a quarter of the time spent in the hospital by the highest-cost group as compared to 40 percent of the time spent by the lowest-cost group. Thus, for many high-cost illnesses, treatment does not consist predominantly of intensive bursts of the most high-technology care. Patients suffering from alcoholism, diabetes, obesity, certain neurological disorders (e.g., multiple sclerosis), mental disease and stroke, for instance, incur high costs primarily by consuming large

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quantities of hospital days and many hours of professional services. They may never reach the operating room, nor be assessed by a CAT scanner.

4. *Complications during treatment raise costs.* Hospitals are complex institutions where hundreds of difficult judgments are made, orders are interpreted, and technical procedures are undertaken every hour. In such an intricate environment, many forms of accident, error, and unforeseen health events may arise to prolong or increase the costs of treatment. Some complications during treatment are simply bad outcomes of well-informed gambles (prosthesis failure or digitalis toxicity in heart disease); some are natural but unforeseen progressions of disease; others may be due to misapplication of diagnostic equipment; some are drug reactions; others are due to infections acquired in the hospital; still others are due to errors by physicians and other care providers. In any case, unexpected complications during treatment are an important cause of high-cost illness.

Unexpected complications, which other studies have shown to strike one patient in five, are most common among high-cost patients—both per day and per hospitalization. The Zook-Moore study identified 22 forms of unexpected complication during hospitalization in the five hospital populations. On average, 1.8 such events occurred during each cost-intensive hospitalization, 1.3 during each prolonged hospitalization, and 3.2 during stays that were both prolonged and cost-intensive, but only .2 in other types of hospitalization. By virtue of their illness, high-cost patients seem particularly susceptible to medical complications which further raise costs.

5. *Harmful habits lead to high costs.* Persons with a potentially harmful habit are hospitalized substantially more than are others. (This is not to imply inevitable causality. In any particular case, the condition requiring hospitalization may have developed independently of a harmful habit.) The high prevalence of alcoholism among patients in general hospitals illustrates the link between habits and hospital costs. Though 4 to 5 percent of the overall adult population is alcoholic, it has been estimated that 9 to 14 percent of the general hospital population (15 to 29 percent of males in that group) is alcoholic. Our data confirm these high levels of alcoholism in the general hospital population and the overwhelming recidivist tendencies of these patients. When hospitalized, patients with unhealthy habits like alcoholism are more expensive to treat and become high-cost patients. In the Zook-Moore study, poten-

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tially harmful habits were noted in the records of high-cost patients more than 40 percent more often than in the records of other patients.

The picture of high-cost illness that emerges from consideration of the factors discussed above is not entirely consistent with the "catastrophic" stereotype of life maintenance in intensive care, problems of when to declare brain death, or advanced high-technology treatment. Rather, high-cost illness is usually long term and often mundane or recurrent, embodying costs due, in part, to unexpected complications during treatment or to persistent unhealthy personal habits. Though random medical tragedies are an important component of the high-cost patient group, they are isolated elements representing only a small part of the picture. Unfortunately, proposals for catastrophic health insurance are based primarily on this rather simple notion of the source of high medical costs.

Problems with the current plans

From this profile of the high-cost users of medical care emerge three important considerations for the design of health insurance programs. First, high-cost illnesses differ widely in terms of clinical options, controllability of resource utilization, and predictability (the repeaters). Insurance schemes should reflect those differences. Identical insurance structures for the very different illnesses described above may make no more sense than identical plans for fire and life insurance. In fact, the potential for identifying chronic repeaters suggests a form of prospective reimbursement to a specialist institution (e.g., in spinal cord injury) for some patients.

Second, the data suggest that "catastrophic health insurance" is unlikely to be as economical as is often asserted. In fact, the high-cost 10 percent of patients accounted for 40 to 50 percent of hospital charges in one year and cost over $13,700 apiece. Methods are still needed to instil cost efficiencies while insuring against genuine cases of financial hardship.

Third, some utilization by the high-cost users may be more "optional" or elastic than is generally thought; this possibility is suggested by the surprising prominence of harmful habits, of treatment complications, of "routine," low-intensity care, and of repeated hospitalization (as opposed to emergency intensive care).

These three themes—marked patient differences, surprisingly high costs (often predictable over several years), and the potential for controllability of some cost components—put current proposals for

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health insurance in a new light and point towards new and more workable policy approaches to health insurance.

The front-running alternatives for national health insurance are built upon the premise of relieving the financial burden of high-cost illness for all Americans. The Catastrophic Health Insurance Bill that has received tentative approval from the Senate Finance Committee, employing what is called the Long-Dole approach, provides federal payment of all medical expense for a person beyond a $3,500 annual threshold. (The threshold is lower for poor people.) Consumer Choice Health Plan, a leading pro-competitive option put forward by Alain Enthoven, would require any private plan approved for federal support to include "catastrophic coverage." Major-risk health insurance is also central to a plan put forth in *The Public Interest* in 1971 by Martin Feldstein. This scheme would use public loans to patients as well as co-insurance and deductibles to hold down costs from "first dollar" coverage while relieving some of the fiscal burden imposed on the individual by high-cost illness. Proposals by Senator Edward Kennedy for a comprehensive national health insurance plan under the Health Care for All Americans Act were presented in a series of 1978 hearings where experiences of patients with high-cost illness dominated the testimony. The Carter Administration proposal, National Health Plan, also included retrospective payment for high-cost illness, with uniform reimbursement provisions across all providers and diagnoses.

The findings described above suggest that major improvements are needed in the catastrophic coverage provisions of these plans. Though few proposals contain incentives for providers to develop long-term care programs to reduce readmissions, repeated hospitalization for the same disease is the most frequent utilization mode defining high-cost illness. In addition, no plan contains incentive provisions to reduce the frequency of potentially harmful habits, such as higher premiums for the heavy smoker, the obese overeater, or the noncomplying clinic "no-show." No plan considers how patients at high risk of complication may reach the most efficient providers. Patient profiles are very different, but no plan considers how we can overcome repeated treatment failures in hospitals, an important source of high medical costs and poor medical outcomes.

High-cost illnesses for the most part are not random "bolts from the blue," yet many proposals for catastrophic health insurance are based on this misconception. They fail to confront key cost components of high-cost illness and neglect important differences across categories of patients.

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There is no reason why insurance plans cannot address separately the different segments of high-cost users, identified above, in more carefully tailored ways. The terminal cancer patient, the noncomplying diabetic, the repeatedly hospitalized alcoholic, the paraplegic, and the elderly widow with severe peripheral vascular disease are similar in their status as high-cost users of medical care, but dramatically different in their care requirements, their financial needs, and the lower-cost treatment alternatives that are available. Health insurance proposals should and can take these differences into account if they are to meet the patients' needs within reasonable costs. Since catastrophic health insurance, as embodied in present proposals, does not recognize differences it is unlikely to be inexpensive or fully equitable, nor will it offer a "quick fix" to the most pressing health problems.

For example, the Long-Dole bill features full federal reimbursement for in-patient, post-hospital, physician, and home health services after a deductible ($3,500 in the present version) is exceeded during a calendar year. Payments would be open-ended and determined retrospectively on the basis of hospital charges. Such a plan unfortunately perpetuates the sort of program design that has raised current health costs to such a high level. By tempting hospitals to get the patient's bill up to $3,500 whenever possible (to reach a range in which there is full federal payment) it may exert a further inflationary impact on medical costs.

Financial rewards or penalties applied at the appropriate leverage point can greatly affect the behavior of patients, doctors, and hospitals, and could reduce total costs. One recent study of California Medicaid experience, for instance, found that the institution of a one-dollar charge per physician office visit decreased demand for those visits and increased demand for hospital services (which remained "free" to the consumer). Patterns of charges and payments have also been shown to be influential for dental care and other out-patient services. When the dollar amounts are large, both consumer and provider behavior may be modified dramatically. The treatment of kidney disease provides a particularly graphic example. Federal legislation enacted in 1972 provided 100 percent coverage for dialysis treatment and associated physicians' fees. This discouraged kidney transplantation, and favored dialysis in centers over dialysis at home. In the next five years, private firms steadily entered the market for dialysis services. As a result, by 1978, 37,000 patients were being dialyzed—up from roughly 10,000 in 1974—with a 50 percent increase in this number predicted by the mid-1980's.

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Moreover, the share of patients on home dialysis declined from 40 percent to 13 percent in the 1972-1976 period. In cases such as renal dialysis, where there are therapeutically-competitive alternatives, financial and service-support incentives to employ lower-cost methods are especially promising.

By misunderstanding the nature of high-cost illness, the one-year deductible proposed by catastrophic insurance plans is terribly inequitable. Approximately 20 percent of all patients in the Zook-Moore study had been hospitalized at least four times in the previous five years for the same disease; many had recurrent illnesses over much longer periods. A longer-term benefit structure could reflect more adequately the extremely high year-after-year costs of illnesses such as vascular disease, certain congenital defects, some cancers, cirrhosis of the liver, intractable anemia, diabetes, or major stroke. It is possible to account for costs over a series of years, with appropriately tailored co-insurance and deductible provisions. The single, short, cost-intensive episode, so well covered by a one-year, open-ended insurance plan, is neither the most frequent type of high-cost illness, the most socially disruptive or financially ruinous, nor the case that needs greatest societal attention. A newborn with certain congenital anomalies might never "qualify" in one year, yet from birth to age 15 might require 10-20 hospital admissions. This would have a greater long-term impact on the family budget than would most serious accidents or severe burn incidents, misfortunes which would be adequately covered under current proposals for catastrophic insurance coverage.

A reassessment of high-cost illness also makes it clear that catastrophic plans seldom give appropriate incentives to hospitals and insurers to control costs. Insurance provisions that pay for all patients' expenses once they exceed a threshold (e.g., $3,500) will affect the way that hospitals decide to price their services. In fact, it may become advantageous to hospitals to reverse the present practice of subsidizing high-cost days by low-cost days and to charge higher prices for intensive care and complex forms of care. This would make the expensive appear even more expensive and would also magnify the total bill for high-cost illness. Open-ended reimbursement after a one-year deductible also gives providers and insurers little financial incentive to develop preventive programs or long-term management services. Major-risk insurance as now conceived will be able to forestall financial ruin for a small percentage of patients, but will do little to promote a more cost-effective organization of medical treatment which would benefit everyone.

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Considering new remedies

Recent surveys of high-cost patients allow a more sophisticated understanding of the potential impact of catastrophic health insurance. We have found that high-cost illnesses differ widely but are mainly concentrated among a small number of long-term patients, that insurance will not be as economical as some have imagined, and that some components of high costs can be controlled. Our assessment suggests several improvements for catastrophic health insurance.

1. *Different groups need different plans.* Study of the high-cost users revealed several categories of patient, each with different needs, treatment alternatives, and behaviors. For instance, nearly 50 percent of childhood high-cost illnesses were traceable to a congenital defect; about 40 percent of the high-cost adult users had a potentially harmful habit noted in the record; over 20 percent of high-cost users were over 70 years of age; and nearly 10 percent had cancer. Patients defined by clinical parameters such as these would have very different incentives to use medical services. Just as physicians would counsel these groups differently as to their care, insurance plans should guide them differently into the most appropriate pattern of health services utilization.

Alcoholism and mental disease were both important among high-cost patients. In the institutions studied, these patients were confined to the hospital for many days. A much lower-intensity setting (i.e., not a hospital), if reimbursed in appropriate fashion, might prove to be equally effective and less costly. The treatment of diabetes mellitus provides another example of the possibility of developing a more cost-effective approach to a single diagnosis. One study at Stanford has shown that appropriate education and substitution of ambulatory services can reduce re-admissions of diabetics by as much as 56 percent. This approach has apparently succeeded in reducing costs while maintaining or increasing quality of care.

There are currently few financial incentives in the insurance plans to employ the most cost-effective modes of care for these illnesses. By insuring against hospitalization—the highest-cost setting—we lower its relative cost and make it a more attractive mode of care to the patient. Proposals for undifferentiated catastrophic illness coverage could worsen this problem. Distinctive modes of reimbursement for particular high-cost use groups, by contrast, may foster the growth of geographically clustered services for similar diagnoses, thereby making possible significant economies of scale.

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Attempts to regionalize heart surgery have demonstrated large potential economies. One study found that unit costs were related strongly to the number of procedures done per year, suggesting large savings may be realized through "learning by doing." Another study estimated that if 50 operations were performed a year, the cost per patient would be $21,500, but with a tenfold increase in scale, the cost per patient would drop to $8,700.

2. *Prospective reimbursement can control costs.* A shift from current patterns of reimbursement for providers also offers possibilities for considerable savings. Control over the costs of care is possible only when the provider or patient is a primary decision maker and has a direct stake in the conservation of scarce medical resources. Under cost-based reimbursement after the fact, neither consumer nor provider has an incentive to control cost in a single episode or to foster the most cost-effective modes of long-term care (e.g., early use of ambulatory services to forestall the need for later emergency hospital admission).

Planning for long-term care is especially important, since almost two-thirds of the high-cost 20 percent of patients in our study experienced repeated hospitalization for the same disease (often predictable) in a single year, and many repeat visits in earlier (and later) years. Early interventions to lower the probability of future hospitalizations could provide major cost savings. For example, giving known hypertensives effective rewards for compliance and careful follow-up after screening can reduce later rates of hospitalization. The medical care system has an important opportunity to design similar cost-effective programs for other illnesses.

One way to provide incentives for cost-effective care of the high-cost patient group might be through "prospective reimbursement." Under such a system, certain institutions would be promised a predetermined annual payment to assume responsibility for the care of a patient with a long-term, high-cost illness. (Short-term illnesses with potentially high-cost consequences could be handled differently.) The magnitude of the payment would depend on the illness diagnosed, and might change over time for a given patient. A spinal cord injury center, for example, might be granted a fixed payment on the first of the year for each paraplegic whose care it assumed. Appropriate medical centers would be given similar payments for each child with cystic fibrosis, hemophilia, or other severe, predictable and repetitive illness. The same approach (perhaps with additional categorization of patient condition) could be undertaken for mental disease, renal failure, or even alcoholism.

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The value of this system is that the health care provider assumes responsibility for costs above the expected level. At the same time, if costs can be held below the expected level, the provider retains the cost savings. Thus incentives to conserve resources are built into a system which at the same time guarantees the provider a level of reimbursement that, across the range of patients treated, should adequately cover the costs of appropriate care. Such a program would shift responsibility for designing and implementing cost reductions from the regulators of medical care to its deliverers. Physicians would retain control over detailed clinical decisions. This is in contrast to command and control methods of cost containment imposed by outside public agencies, which operate through regulation of capital investment and, in some cases, as with Professional Standards Review Organizations, with assessments of patient care on a case-by-case basis. Widespread prospective reimbursement would probably also give rise to new forms of provider organizations, and group practices specializing in certain types of patients or illnesses. Their success would depend on their ability to deliver care less expensively than do existing institutions.

Quality assurance must be a continuing concern in any system for financing medical care. For certain classes of high-cost users this problem might be particularly acute. Strong, readily implementable sanctions should be available to maintain acceptable quality of care, thereby avoiding the exploitation of possibly helpless groups such as the mentally ill, the senile, and the very sick. Financial penalties for inadequate care might well be linked directly to the reimbursement system. Because of the cost-quality tradeoff, there is also a danger in placing unduly strong cost-reducing incentives on physicians. The objective should be to create a climate or ethos of cost reduction, and of more fervent inquiry into "how much is enough." This sort of indirect encouragement to improve performance is often cited as a principal benefit of profit-sharing plans for workers in private companies. Something similar could perhaps be achieved in health services. (The proponents of health maintenance organizations claim that it already has been.)

The most important feature of prospective reimbursement in the context of the high-cost users is that it provides a strong incentive to deliver health care on a cost-effective basis over the long term. Attention to costs on an episode-by-episode basis is hardly sufficient (it may even be counterproductive in circumstances where rehabilitation or prevention is a possibility), especially when all the evidence suggests that those who use medical resources most ex-

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tensively utilize them on a continuing basis over a period of years.

3. *There must be incentives for prevention.* We have seen that high-cost users are more likely than other patients to have potentially unhealthy habits. Persons with a documented adverse lifestyle were found to be more often in the hospital, more costly to treat per illness, and more repetitive in hospital utilization than others. Any public program to finance care of high-cost illness must inevitably confront this problem. Given the interdependence created by any system of health insurance, if individuals are to have sufficient incentive to take care of themselves—to reduce their levels of risk and thereby their expected medical expense—they must be "penalized" in some way for engaging in unhealthy behavior.

There have been relatively few documented attempts made on a significant scale to modify risk factors. Where the attempt has been made it has often met with success, especially in reducing risk factors related to coronary disease: smoking, obesity, and certain dietary habits. The Stanford Heart Disease Project, for instance, sponsored a highly successful voluntary campaign of education and counseling for those most at risk in three California communities. National trends also show that risk factors can be modified and that they can make a difference in personal health. The rate of coronary death in the population for males aged 45 to 54 has declined by 20 percent since 1970, possibly due to improvements in smoking habits and diet within this group. The North Karelia project in Finland also focused on providing information and counseling with regard to cardiovascular risk factors. In four years it achieved substantial reductions in smoking, cholesterol levels, blood pressure, and hypertensive drug noncompliance rates at a modest cost.

Programs in the workplace have also shown some success. In fact, 30 percent of major United States companies now conduct some form of non-smoking program, and 3 percent of these businesses pay their employees not to smoke. Though few reliable statistics are available at present, early results suggest that even small rewards for, or assistance in, smoking or weight reduction can affect behavior and health outcomes. If voluntary community campaigns and relatively small programs in the workplace can reduce unhealthy behaviors, it seems likely that more vigorous approaches, including direct financial incentives for low risk-factor levels, may do even better.

The prevalence of potentially harmful habits noted in the medical records examined by the Zook-Moore study underscores the potential importance of preventive measures, promoted in part by

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educational programs, but encouraged strongly by insurance-plan design. Thus a high-cost patient who fails to control the habit of alcoholism or smoking might be required to pay a higher premium until his physician testifies the problem has been solved. The incentive need not be applied at the time of the high-cost illness. The fearful lifestyle consequences of many high-cost illnesses are a far more powerful deterrent to risk-taking behavior than the possibility of high medical costs. Charging after the illness sets in offers little in the way of additional incentive, yet subjects a class of individuals to a significant financial risk, assuming that only a small fraction of people with bad habits get "caught." Moreover, in many instances, it might prove infeasible to charge after the high-cost illness has set in. If we wish to charge individuals for taking increased risks of incurring high-cost illness, and sensible policy would suggest that we should, the most propitious time to do so is while they are taking the risk, before they enter the high-cost user statistics. Severe penalties for speeding and substantial taxes on cigarettes are more appropriate, and probably more feasible, than an actuarially based charge on paraplegics and lung cancer victims for their illnesses.

Problems that could yield to preventive measures are found in their most extreme forms in the most costly illnesses. This is the finding that most forcefully dispels the common misperception of high-cost illness as a random catastrophe. At a minimum, any major-risk health insurance plan should consider: (1) greater taxation of tobacco (perhaps at varying rates dependent on the characteristics of the cigarette) and alcohol, with the proceeds helping to finance the insurance program, (2) insurance premium incentives to lose weight, to stop smoking and drinking, and to adhere to medical regimens, (3) development of new approaches to chronic repeaters especially those with lifestyle-disease involvements, (4) incentives to channel certain categories of patients to hospitals where rates of unexpected complications for their particular problem are lower, and (5) more widespread use of successful community education programs such as the Stanford Heart Project.

Treating the "high-cost" users

While discussions of catastrophic illness conjure up images of unforseen accidents and disease, insurance proposals currently before Congress would really cover all forms of very expensive medical care. Relief for its citizens from the financial burden of high-cost

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illness is a noble and sound goal for any society, and there is little doubt that high-cost patients often need and merit financial assistance and large quantities of medical resources. Many of the tragedies that befall the high-cost users are precisely the types of events for which organized insurance can provide its greatest benefits. But there are numerous ways to insure and many ways to aid those in need. If high-cost illness in all its forms is really the concern, Congress and the new Administration must understand the nature of the problem, its causes, and the treatments to which it might yield. Any program to cover high-cost illness should not only achieve the primary function of insurance (the spreading of risk), but should also build incentives into the health-care system for the most competent care by doctors, adherence to life-preserving lifestyles by patients, and cost-effectiveness by those who provide care.

Major mistakes are not uncommon in health-care programs partly because the health-care system works in mysterious ways. A broad-based insurance program to cover high-cost illness should not be mandated until we develop a deeper understanding of the problem. Observing its responses to policies in place can often change our conceptions dramatically, and convince us that quite different policies would be desirable. For instance, the "doctor shortage" of ten years ago is seen now, by many, as a "doctor surplus." Actions are now being taken to reverse this trend. Hospital reimbursement provides another example. During the 1970's the state of New York penalized hospitals financially for excess bed capacity. Yet it was recently decided that this did not hold down costs and that payment incentives will now need to be given to hospitals to encourage empty beds, precisely the opposite policy.

Reversal is likely to prove much more difficult, however desirable in concept, where coverage for high-cost illness is concerned. Entitlements are always difficult to reduce, especially when the target group appeals to our sympathies. Moreover, health-care delivery institutions adapt themselves to any new reimbursement mechanism and tend to become dependent upon it. Should policy in this area prove to be more expensive than estimated, or merely poorly designed, we might repent at leisure.

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CURRENT READING

The Traffic Model

Don't blame the computer! An article by Mick Hamer in *The New Statesman* (August 1, 1980) discussed England's costly, and evidently ineffective, effort to design a computer model for automotive traffic. The attempt seems to have crashed into an unexpected obstacle: Cars keep going the wrong way!

> There is a strong case for an investigation by the Public Accounts Committee into the affair of the Department of Transport computer model which has wasted, it was revealed last week, at least £8 million of public money. It now seems that the loss could be much greater, that the scheme was introduced despite the opposition of some senior civil servants and that the department has been dilatory, to say the least, about releasing details.
>
> At the centre of the scandal is the Regional Highway Traffic Model (RHTM) which was designed to forecast traffic on any hypothetical road network for any future year and thus help plan the road building programme. When the model was tested, by comparing its predictive powers on over 400 sites with the actual traffic flows from the 1976 census, it failed miserably. Only 267 predictions came within the range of a 50 percent under-estimate and a 100 percent over-estimate. No amount of tinkering could improve its accuracy and the model was written off.

Never Was Heard An Alien Word

William Baldwin probed the anomalies and benefits of many magazines' non-profit status in the September 1, 1980 issue of *Forbes*.

> Mail costs are a key factor in the magazine business. Depending on weight, distance and percentage of advertising pages, a half-pound magazine that would cost about 14 cents to mail at regular second-class rates would go nonprofit for perhaps 7 cents. For a 500,000-circulation monthly, that's worth $420,000 a year. More important, when a nonprofit company uses third-class circulars to drum up new subscribers, it pays 3.5 cents postage per piece, against 8.4 cents for commercial competitors. Figure on a 1 percent response rate, considered good for a cold-prospect mailing, and that seemingly trivial spread translates into a $4.90 saving per subscriber. On top of that, the reader can usually call his subscription a tax-deductible "donation."

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In the magazine world, "nonprofit" doesn't mean poverty. *Audubon,* a handsomely printed bimonthly (circulation, 330,000) for members of the National Audubon Society, is making money, in part because the 6.4 million solicitations for members/subscribers that the society is mailing out this year go at discount rates. At the National Geographic Society, the "nonprofits" from the 10.5-million-circulation monthly go toward $100,000-plus salaries for top personnel. The take from its 1.8-million-circulation, ad-studded *Smithsonian,* helps the Smithsonian Institution support its chain of museums in Washington, D.C. The 130-year-old *Harper's* (circulation, 325,000) couldn't make it in the for-profit world, so owner Minneapolis Star & Tribune Co. unloaded it in July on two foundations that are expected to take advantage of the cut-rate postage. *Ms.* magazine (circulation, 500,000) shifted from the for-profit to the philanthropic format in 1979 after seven mostly red-ink years. *Mother Jones* uses its mail subsidy to "investigate" and attack American business. . . .

Smithsonian and *National Geographic* and some of the other "nonprofit" magazines could probably survive without the mail subsides. Others, like *Harper's* or *Mother Jones,* might not. But you'd never get them to admit that "profit" is what they're after. Listen to acting publisher Joseph Bonsignore of *Smithsonian,* which accounted for most of the $6.4 million netted last year by the Smithsonian Institution's "associates" program. "Profit," he says, "is an alien word to us."

An historical concept?

A recent article in *The Economist* described a mirror-shattering gathering in a Tuscan town, which succeeded in demonstrating beyond a reasonable doubt that any subject, given sufficient reflection, may suffer over-academization.

Pity the ugly Italian, for his compatriots mind about physical looks more than most other Europeans. But the uglies are beginning to fight back. They have set up their own club, the "Club dei Brutti." Its second national congress was held in the Tuscan town of Chiesina Uzzanese last weekend.

The uglies' club already has 4,500 members in local branches all over Italy, and is welcoming a steady stream of new recruits. Its patron is Vulcan, the odd man out among the gods. Lame and unprepossessing, he was a misfit in the heavenly crowd of beautiful people. But as the divine blacksmith who forged Jupiter's throne and weapons for heroes, he stood for vigour and stubborn commitment, just the qualities claimed by the uglies.

The theme of the congress at Chiesina Uzzanese was "ugliness in models of contemporary society." Among the distinguished academics giving talks, Professor Maria Maciotti of Rome University won loud applause from the women present when she suggested that ugliness was a man's problem, in that it arises from a sexist view of feminine beauty. An anthropologist, Tulio Tentori, took a more philosophical view: Beauty or ugliness, he insisted, was nothing but a historical con-

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cept. The congress even delved into a debate on the arcane question of whether left- or right-wing Italian politicians are the worse-looking.

Viking Spirit

A September 1980 press release from the Swedish Information Service described recent efforts to end the sale of "war toys."

> In 1979 the National Board for Consumer Policies and the Play Environment Council concluded a voluntary agreement with the toy trade to discontinue the sales of war toys. The purpose of this agreement is to end the exploitation of the two world wars. Playing at war means learning to settle disputes by violent means. Children need an outlet for their aggressions and tensions in form of play and play materials, but this can be acomplished by means other than war toys.
>
> The agreement covers toys depicting modern warfare from 1914 onwards, and the category "war toys" includes weapons, games, and model soldiers, among other things.

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WINTER BOOKS

A Special Supplement

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Harry McPherson on Governmental Commissions

Marc F. Plattner on The Good Old Cause

Martha Bayles on The Family Linen

Michael A. Scully on Abstract Expressionism

Mark T. Lilla on The Two Cultures of Political Economy

William Kristol on Constitutional Law Today

Peter Skerry on Head Start's Secrets of Success

Seth Cropsey on Citizens and Soldiers

Christopher Wolfe on Liberalism's Quest for Roots

Natale Cipollina on New York City's Crises

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Hot Potatoes

HARRY McPHERSON

***Martin Bulmer, ed.*: Social Research and Royal Commissions.** *George Allen & Unwin. 192 pp. $27.50.*

WHY do presidents, prime ministers, department and ministry chiefs appoint commissions to examine and make recommendations on controversial public questions? It cannot be that they lack the manpower to carry out internal studies, or the funds to retain consultants. Surely it isn't that they expect sensational ideas and solutions to emerge from a purposefully heterogeneous group of citizens.

One reason is that the appointment of a commission represents action when the political situation requires something to be done, but when either the budget or common sense inhibits a grander response. Professor A.R. Prest, one of the contributors to *Social Research and Royal Commissions,* writes that whereas the Conservative government of Edward Heath (1970-1974) set up only one Royal Commission—on civil liability, largely in response to the thalidomide controversy—succeeding Labor governments "went to town with Royal Commissions on the administration of justice, the press, gambling, the distribution of income and wealth, the health service and the legal profession." In the normal course, pressure on a reformist party to "do something" about such matters will produce, absent a feasible legislative solution, at least a commission or a Cabinet task force.

Often the group's mandate exceeds its proximate cause. So Lyndon Johnson, in the aftermath of Robert Kennedy's assassination, appointed a national commission to determine why there was so much violence in America. It would not have served merely to name a building or a program after Kennedy, or simply to pursue Sirhan's background and contacts. In the nightmarish hours after Kennedy died, only something that addressed cosmic questions—that implicitly embraced the war and opposition to it, urban and campus riots, mounting crime, liberal sensibilities and harsh experience, and Johnson's bitter, complex relationship with Robert Kennedy—seemed remotely adequate to the event.

Another reason is that a commission which includes a relatively wide range of opinion, and at least a few experts, can normally be

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counted on to provide credibility for preferred views. A commission on pornography, while deploring its spread, will not recommend repeal of the First Amendment. A commission on urban rioting will call for a series of ameliorative steps—improved housing and education, more jobs—rather than repression. (Yet it may also, as the Kerner Commission did, create problems of a reverse kind. Finding in "white racism" the underlying cause of black disorder, the commission jeopardized the coalition between labor and civil rights groups that had provided essential muscle for the social legislation of the 1960's.)

A commission may, of course, be established as a means of finding the wisest answer to a vexing problem, and of doing so in a manner that gains public confidence because it does not appear to have been pre-determined by the bureaucracy or controlled by special interests: the best mechanism for delivering social services; the best location for a third London airport; the causes of a nuclear accident, and measures to prevent future ones. During the 1970's commissions in Britain and the United States were formed to pursue such matters, with varying degrees of success. In each case, agencies of government had such a stake in the outcome that, so the senior political officials of government believed, their conclusions would lack credibility with the public. Hence a group of outsiders was asked to do the job that would ordinarily be done by government, kibitzed, of course, by the press.

CHOOSING the membership of commissions is an art. Most if not all legitimate viewpoints should be represented. But especially when the level of controversy is high, no single position should be afforded an apparent majority. There should be channels through which the opinions of competing interests can be passed—for example, a scientist friendly to nuclear interests, and someone sympathetic to the no-nukes. There should be a "fuse box," in the phrase of Professor David Donnison, someone who "can be relied on to 'blow up' if the committee's views or phraseology part company too seriously with the assumptions and attitudes of those 'at the coal face,'" since the committee in its latter phase may lose touch with the world outside the committee room. "Its views (about corporal punishment, for example) may be sound, but they are no longer expressed in language that ordinary people would understand or accept. One or two sensitive fuse boxes can help to avoid this error." There should be experts, but there should also be consensus-builders, and there should be "genial hosts." For "unless the committee enjoys its work, it will not do its job well."

The two most important members of the enterprise are the chairman and the staff director. The former must seek to reconcile disagreements, or to determine that point at which a sensible compromise is impossible and the minority invited to dissent. He must pull out, from knots of rhetoric, unassailable facts, and passionate predelictions, the thread of agreement that permits the commission to

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get on with it. John Kemeny, chairman of the President's Commission on the Accident at Three Mile Island, had these skills in abundance.

But since most members of commissions have other jobs, and since few are expert in the precise question that determines their mandate, it is the staff director who shapes the material on which the commissioners will work. He does this both in selecting technical staff and consultants, and in the emphasis these give to certain lines of inquiry. He must take care that the commission is not charged with ignoring any significant, or at least any vocal and potentially troublesome interest. In the case of the third London airport, for example, the director presided over groups responsible for air traffic control, noise, safety, defense, surface access, amenities, civil engineering, and other matters. To deal with the impact of an airport on the lives of villagers, church wardens, rare birds and vegetation, he employed a group of university sociologists who were familiarly referred to by the commission as the "drugs and sex lot."

Commissions do not, of course, automatically endorse the work of their professional staffs, which are often drawn from academia. Mr. P.J. Grigg, a commissioner, expressed himself thus: "Let me say plainly, however, that I do not like 'experts' and technicians who have never occupied, or alternatively have failed in, executive positions of responsibility, and yet write books to prove how wise they are and how foolish is everybody else." Often in the essays included in *Social Research and Royal Commissions*—written for the most part by academics who served as senior staff for various commissions—the complaint is expressed that there was too little time for serious research, or that the commissioners ignored the clear implications of what research was done, or that insufficient homework was undertaken by the commissioners, early in their mission, to acquaint themselves with the state of knowledge in the field. Nevertheless, the quality of staff work is the prime determinant of the commission's work. A dozen geniuses, meeting sporadically, cannot in most cases produce a report worthy of attention without a bone structure of reliable information and analysis. Ordinarily, this bone structure must be produced by a reasonably disinterested staff of experts.

Two essays raise a point of sociological speculation. Professor Jeremy Tunstall, a consultant to the (third) Royal Commission on the Press, argues that the commission overlooked or consciously avoided a number of salient questions (among them the threat of press dominance by conglomerates), and that because it undertook too little independent research, it was unduly swayed by "those few organizations, such as Times Newspapers and Mirror Group Newspapers, which produced intelligent evidence." His former chairman, Professor O.R. McGregor, accuses Tunstall of inaccuracy and innuendo. "His central disagreement with the Commission," McGre-

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gor writes, "turns on differences of view about policy matters . . . he seems unable to accept that the Commission, having heard what he had to say, simply disagreed with him."

Whatever the merits of this particular dispute, McGregor's riposte has a certain cogency. It recalls the complaint often voiced by politicians and managers both in government and industry, that academic consultants are hard losers; worse, that they snitch. Having lost an argument, they do not, like lawyers after a verdict or legislators after a vote, retire to the bar and talk about tomorrow's case or controversy. They write essays and books about the weakness or stupidity of those whom they advised, and who rejected or ignored their advice. Because they are only short-termers in the business of governance, their real audience is their peers and classes, to whom, they feel, they must principally account. Hence the reluctance on the part of their advisees to trust them totally. Yet need them they do, if their various royal and presidential commissions are to have substantive strength behind the recommendations they offer. Just as, to be sure, the commissions offer to expert competence another voice in the making of public policy.

Social Research and Royal Commissions is an often interesting, often tedious account of how various commissions went about the work of informing themselves of the matters they were charged to elucidate. For the most part, it lacks a balance sheet of the results —of the consequences that flowed, for good or ill, from the recommendations the commissions made. This was not its purpose, which was to show us how social research affected the commission's work. Yet the absence of a "therefore" section at the end of each chapter leaves us still to wonder whether these curious anomalies of government are worth their cost and effort, save as a means to delay the painful moment of decision.

Harry McPherson, a member of the Publication Committee of The Public Interest, *practices law in Washington, D.C. A Special Counsel to President Lyndon Johnson, and author of* A Political Education, *he served as a member of the recently concluded President's Commission on the Accident at Three Mile Island.*

The Good Old Cause

MARC F. PLATTNER

***Michael Walzer:* Radical Principles.** *Basic Books. 310 pp. $15.00.*

Amidst the desert of American left-wing thought over the past decade, the writings of Michael Walzer have appeared as oases of intelligence, grace, and sobriety. Walzer's political essays in *Dis-*

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sent, The New Republic, and the *New York Review of Books,* many of which have now been collected and reprinted under the title *Radical Principles,* are written in clear, forceful, and sometimes elegant prose. Now at Princeton's Institute for Advanced Studies, after a lengthy tenure as a professor of government at Harvard, he is learned in—and his thought to some extent has been shaped by—the great works of the Western philosophic tradition. Karl Marx is the thinker he most often cites, but his arguments are studded also with references to Hobbes and Locke, to Machiavelli and Rousseau. Most of the leading left-wing authors of the past century and a half are scarcely mentioned at all. The tone of Walzer's writing is generally moderate and judicious (though his remarks on the Vietnam War are an exception to this rule); his unmistakable moral seriousness rarely degenerates into the moral stridency that so often characterizes the American Left.

Those readers who are devoted to liberal democracy will also be certain to admire many of the stands that Walzer has taken in the internal debates of the Left. In the late 1960's and early 1970's, he forthrightly condemned the violent excesses and foolish delusions of some elements of the New Left. In 1967, for example, he wrote:

> What has often (not always) happened, I think, is that middle-class radicals at work in the slums and ghettos have lost confidence in their own talents, above all in the value of their critical faculties and self-discipline, and have become the passive advocates of the going form of slum and ghetto militancy (as of the going form of Third World militancy), whatever its precise content. . . . Among experienced New Leftists, community organizing is said to have a "radicalizing" effect; perhaps it does; it also has an alienating effect, turning middle-class radicals into vicarious guerrillas and Leninist ideologues—neither of these being much-needed sorts of people in America today.

And in a 1971 essay entitled "Violence: The Police, the Militants, and the Rest of Us," Walzer not only urges support for the police in dealing with violent "leftist provocations"—but also ridicules those who claimed that the federal government was engaged in "massive repression" of the Left: ". . . talk of an American fascism seems only a particularly gruesome (and for some people, I suppose, entertaining) escape from the need to face honestly the extent of far Left failure . . ."

Moreover, Walzer stands firmly committed to those "bourgeois liberties" so often trampled upon by leftist governments and more or less openly disparaged by so many left-wing movements and theoreticians: ". . . periodic elections, oppositional activity, freedom of speech and assembly. Most Marxist writers have radically underestimated the importance of such things, treating them as if they were merely mechanical arrangements, useful or not at any given time. In fact, they are vital all the time; they are the beginning and the end."

It is not only when he is attacking his enemies on the Left that

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Walzer sometimes sounds like a neoconservative. In an introductory essay written especially for this volume, he broods about the "liberated future" portended by the erosion of those moral and cultural constraints that have hitherto placed certain limits on liberal individualism, and he finds it to be a "bleak vision" indeed: "I imagine a human being thoroughly divorced, freed of parents, spouse, and children, watching pornographic performances in some dark theater, joining (it may be his only membership) this or that odd cult, which he will probably leave in a month or two for another still odder." Similarly, in a thoughtful essay on "Dissatisfaction in the Welfare State," Walzer, though stressing the "enormous achievements" of welfare politics, worries about the tendency of such politics to lead to "bureaucratic omni-competence and popular passivity." He notes that the process by which the welfare state extends its sway "cuts individuals loose, isolates them from communal ties, drives them into a material and then an emotional dependency on the central authorities."

One could continue for quite some time at the diverting and not unenlightening task of compiling quotations from *Radical Principles* that might as easily have been penned by a neoconservative. But this would be unfair to Michael Walzer, whose credentials as a man of the Left are unimpeachable and whose self-identification as a man of the Left seems to be unshakable. Although his writings are in no way narrowly sectarian, to a remarkable extent he assumes the voice of a partisan speaking to the fellow members of his party. When he uses the first person plural, it usually means "we on the Left" or "we socialists," as in the following passage: "Our practical work will focus differently, for we are in no position to choose our causes with reference only to our ideology. We shall be involved in difficult battles. . . . In all these battles, we can bring socialist perspectives to bear; we have an ethic, a literature, a history to draw upon." Elsewhere he speaks unblushingly—with capital letters and without quotation marks—of "the Good Old Cause."

YET the depth of Walzer's commitment to "democratic socialism" seems far to surpass his ability either to give a precise content to his *beau ideal* or to make a convincing case that it can ever emerge in the real world. *Radical Principles* is sprinkled with a multiplicity of definitions and characterizations of socialism, but they add up to a vague "wish list" rather than a clear political program. Here is a sampling: 1) ". . . . socialists are advocates of community." 2) "Socialism is the effort to sustain older values within a social structure that accommodates liberated, that is, free and equal individuals." 3) ". . . democracy and socialism are, roughly speaking, the same thing: two forms of procedural justice, focused on a certain conception of human *doing* that expresses the deepest values we associate with human *being*." 4) "Against the private individual of liberal theory, socialists have defended the free citizen." 5) "This is the working principle of democratic socialism: that

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politics can be opened up, rates of participation significantly increased, decision making really shared, without a full-scale attack on private life and liberal values, without a religious revival or a cultural revolution. What is necessary is the expansion of the public sphere. I don't mean by that the growth of state power—which will come anyway, for a strong state is the necessary and natural antidote to liberal disintegration—but a new politicizing of the state, a devolution of state power into the hands of ordinary citizens." 6) "Socialism's great appeal is the prospect it holds out for the development of human capacities. An enormous growth of creative talent, a new and unprecedented variety of expression, a wild proliferation of sects, associations, schools, parties: this will be the flowering of the future society. But underlying this new individualism and exciting group life must be a broad self-governing community of equals."

Assuming that a more coherent articulation could be given to this vision of creative, liberated, diverse, public individuals and free citizens guided by older values and united in a decentralized, politicized, participatory community of ordinary, self-governing equals, *is there any reason to believe that it would be capable of realization?* Walzer never cites any past or present model for the kind of society he advocates and envisions (although he does cite some verses by Walt Whitman on "the great city"). Moreover, he himself notes that "socialists, in fact, have nowhere produced societies conforming to their own aspirations." Yet this does not undermine his faith in the socialist future. In his essay on "Dissatisfaction in the Welfare State," Walzer analyzes the attempt to make room for local decision making and "create new patterns of democratic responsibility" through what he calls "insurgent politics" (the "central assumption" of which is that "such power must always be won 'from below'—which is also to say, against all the odds"). His conclusion is striking: "That success is possible must be the socialist's faith, or better, the wager that sustains his commitment." This answer may suffice for those who have already gotten the faith, or for those who are addicted to long shots, but it is not likely to convince the rest of us.

Like most other serious writers on the Left, Walzer is much more expansive—and cogent—in his criticisms of liberal capitalism than in his portrayal of socialism. His account of the deficiencies of liberal capitalism focuses on two principal themes—community and equality. The concern with the erosion of community is one that Walzer shares with neoconservatives. Aware of this fact, he sets out—in an essay reviewing Peter Steinfels' recent book *The Neoconservatives*—to distinguish his view of the problem from theirs. First, he faults the neoconservatives (whom he characterizes as "nervous liberals" but "liberals still") for allegedly failing to realize that it is the very triumph of the liberal values they defend that has undermined the communal attachments and moral restraints whose weakening they lament: "Capitalism, the free market, governmental *laissez faire*

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in religion and culture, the pursuit of happiness: all these make powerfully for hedonism and social disintegration."

I believe that Walzer has correctly identified here the central dilemma of neoconservative thought (though it is surely misleading for him to suggest that it is a problem of which leading neoconservatives are themselves unaware). As a political teaching that emphasizes above all the freedom, the rights, and the interests of the individual, liberalism necessarily is in tension with the requirements of community and with traditional notions of morality. It may even be the case that the continued working out of liberalism's individualist tendencies will eventually lead to the downfall of liberal civilization. But if one is committed to liberal principles—as Walzer rightly asserts that the neoconservatives are—what alternative is there to seeking to preserve and to foster, insofar as possible, the moral habits and communal ties that check the individualist excesses to which liberalism is prone?

Walzer seems to think that he has an alternative. Instead of the neoconservative inclination to shore up the mostly non-political attachments centering around neighborhood, church, and family, he proposes a massive participation in "democratic and egalitarian politics." What he seems to mean by this is not a strengthening of the ordinary institutions of local government, but a flourishing of "insurgent politics"—a proliferation of protest groups and movements of all kinds, which would somehow maintain their insurgent character even after they have gained decision-making power. A politicization of society from the grass roots up will reverse the decline of community and morality in liberal society.

If this vision of a nation of political activists sounds implausible, it must be acknowledged that in several of his essays Walzer himself shows an awareness of its problematic character. He is keenly alert to the difficulty of maintaining political zeal among the members of a protest group that has succeeded in achieving political power. He foresees that even "in the best societies," large numbers of citizens will prefer the pleasures of private life to the demands of political participation. Above all, he understands that the community founded on "republican virtue" for which one part of him longs is at odds with the tolerance, diversity, and individual freedom that another part of him cherishes. For Walzer is in some respects no less attached to liberalism than are the neoconservatives. (That, after all, is why he insists upon calling himself a *democratic* socialist.) He may reject capitalism, but he is unwilling to repudiate all those other aspects of liberalism that liberate the individual and thereby tend to weaken community.

Walzer concludes an essay on "Civility and Civic Virtue in Contemporary America" by calling for a new "socialist and democratic politics . . . that . . . must not supersede but stand in constant tension with the liberalism of our society." His own championing of community, then, involves much the same tension and confronts a very similar dilemma to that which he identifies in the thought of the

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neoconservatives. At least one may say of the neoconservatives' rather modest prescription for community that, whether or not it can succeed under present conditions, it would not be incompatible with the protection of the private sphere that is essential to liberalism. Walzer's plea for massive politicization, on the other hand, would indeed threaten to "supersede . . . the liberalism of our society."

THE other principal theme of Walzer's critique of liberal capitalism is that it is insufficiently egalitarian. His case against the economic inequality generated by capitalism and in favor of "a radical redistribution of wealth" is presented in a widely cited essay entitled "In Defense of Equality." This essay is filled with a variety of interesting arguments that often seem to be in conflict with one another and that ultimately just don't add up. Given the limitations of space, however, our focus must be confined to the major thrust of Walzer's critique.

The distinctive feature of this critique is that, far from rejecting the principle of reward according to merit, Walzer insists upon its validity. People with superior qualities *should* receive the superior benefits appropriate to those qualities. But people possess a great variety of different sorts of qualities ("intelligence, physical strength, agility and grace, artistic creativity, mechanical skill, leadership, endurance, memory, psychological insight, the capacity for hard work—even moral strength, sensitivity, the ability to express compassion"). Each deserves its proper recompense, and hence a proper distribution of goods should reflect human differences as measured on all these different scales. Yet under capitalism the ability to make money ("the green thumb of bourgeois society") enables its possessor to acquire "virtually every other sort of social good."

The centerpiece of Walzer's argument is his invocation of a quote from Pascal's *Pensées,* which concludes as follows: "Tyranny is the wish to obtain by one means what can only be had by another. We owe different duties to different qualities: love is the proper response to charm, fear to strength, and belief to learning." In this light, Walzer characterizes capitalism as the tyranny of money (or of the ability to make it). And he advocates as the means of eliminating this tyranny and of restoring genuine equality *"the abolition of the power of money outside its sphere.* What socialists want is a society in which wealth is no longer convertible into social goods with which it has no intrinsic connection."

A telling reply to the doctrine of distributive justice that Walzer sets forth here may be found in Adam Smith's *Theory of Moral Sentiments:*

> If we consider the general rules by which external prosperity and adversity are commonly distributed in this life, we shall find, that . . . every virtue naturally meets with its proper reward, with the recompence which is most fit to encourage and promote it; and this too so

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> surely, that it requires a very extraordinary concurrence of circumstances entirely to disappoint it. What is the reward most proper for encouraging industry, prudence, and circumspection? Success in every sort of business. And is it possible that in the whole of life these virtues should fail of attaining it? Wealth and external honors are their proper recompence which they can seldom fail of acquiring. What reward is most proper for promoting the practice of truth, justice, and humanity? The confidence, the esteem, and love of those we live with. Humanity does not desire to be great, but to be beloved. It is not in being rich that truth and justice would rejoice, but in being trusted and believed, recompences which those virtues must almost always acquire.

In some respects, Smith's remarks seem closer to the spirit of Pascal's words than Walzer's argument is. After all, why should those qualities unrelated to the production of material goods be rewarded with material goods? Isn't it tyrannical, in Pascal's sense, to insist that those who excel in "sensitivity" or "the ability to express compassion" merit equal wealth with those who excel in qualities (such as "the capacity for hard work") essential in producing wealth? Yet Walzer's argument, however deficient, does point to one of the most serious weaknesses of capitalism—namely, that it brings to predominant positions in society men who, no matter how legitimately they have earned their material rewards, often lack those other qualities that evoke men's affection or admiration.

Adam Smith, later in the passage cited above, goes on to emphasize this disjunction between the natural appropriateness of rewards and the moral sentiments of mankind:

> But though the general rules by which prosperity and adversity are commonly distributed, when considered in this cool and philosophical light, appear to be perfectly suited to the situation of mankind in this life, yet they are by no means suited to some of our natural sentiments. Our natural love and admiration for some virtues is such, that we should wish to bestow on them all sorts of honors and rewards, even those which we must acknowledge to be the proper recompences of other qualities, with which those virtues are not always accompanied. Our detestation, on the contrary, for some vices is such, that we should desire to heap upon them every sort of disgrace and disaster, those not excepted which are the natural consequences of very different qualities. Magnanimity, generosity, and justice, command so high a degree of admiration, that we desire to see them crowned with wealth, and power, and honors of every kind, the natural consequences of prudence, industry and application; qualities with which those virtues are not inseparably connected.

As some of his expressions indicate, for Smith the problem raised by this disjunction transcends any particular kind of society or economy and ultimately leads to the theological question. But here we must remain within the confines of Walzer's argument, and its particular indictment of liberal capitalism on the ground that it

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overvalues and disproportionately rewards the wealth-producing qualities. Even if Walzer somewhat exaggerates the honors and benefits that accrue to our men of wealth, it still remains true that the money-making qualities are given freer reign and held in higher esteem under liberal capitalism than they were in more traditional social orders. It is not hard to see why this should be so—namely, because our society, with its dedication to economic growth and to the ever-increasing availability of consumer goods, places a greater value on the things that are products of the money-making qualities. It only stands to reason that if we value goods of a certain sort we will be led to reward the qualities that generate them.

A society that seeks to become ever wealthier is inevitably led to allow disproportionate rewards to the men who are instrumental in producing the increase in its wealth. That is why the socialist countries, notwithstanding whatever ideological commitments they may have to economic equality, are invariably driven by their desire for economic growth to institute wage differentials or other economic incentives. For a similar reason, the most profound of egalitarian thinkers, Jean-Jacques Rousseau, argued that a society dedicated to economic and political equality must choose to remain a poor society. For once such a society seeks to become wealthy, the talents of the workman will come to be valued and rewarded more than the virtues of the citizen.

Walzer is either oblivious to or unpersuaded by this Rousseauan argument. He indignantly rejects the contention that socialists like himself object to "all those economic goods and services" produced by bourgeois society: "There is nothing degraded about wanting these things; there is nothing unattractive, boring, debased, or philistine about a society organized to provide them for its members." Walzer wants to have his capitalist cake, and eat it in equally divided socialist portions. In the real world, however, one must choose either a smaller cake, or an unequal division of a larger one.

There is never a hint in *Radical Principles* that the attainment of Walzer's socialist ideal might involve the sacrifice of any of the advantages that we now enjoy. In fact, his vision of socialism may be characterized as all the good things present in bourgeois society plus all the good things lacking in bourgeois society. Why should an intelligent, learned, and usually sensible man believe that this utopian combination of all good things is a realistic political prospect? The only plausible explanation would seem to lie in the lingering, if decaying influence of Marx's thought. Although Walzer almost certainly no longer accepts such Marxist doctrines as the inevitable triumph of the proletariat, the withering away of the state, the elimination of scarcity, and the end of history, he remains under the residual delusion that the "contradictions" of capitalism (of which there are certainly many) will somehow be "resolved" in an unprecedentedly harmonious socialist future. Until "democratic socialists" like Walzer free themselves from the spell of this misguided and discredited mode of thinking, they will continue to

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define themselves first as men of the Left and only secondarily and qualifiedly as defenders of American liberal democracy.

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The Family Linen

MARTHA BAYLES

***Thomas J. Cottle:* Children's Secrets.** *Anchor Press/Doubleday. 266 pp. $10.00.*
***Letty Cottin Pogrebin:* Growing Up Free: Raising Your Child in the 80's.** *McGraw-Hill. 548 pp. $15.95.*

ON TELEVISION, where he has recently made his debut as a talk-show host, Tom Cottle comes across as a sort of academic version of Tom Snyder. Like Snyder, Cottle has made a career of empathy. But although Cottle seems to be doing fairly well on TV, his best routine is still within the university. There he wears the cloak of authenticity, of having just blown in from the real world. Unlike many of his colleagues in sociology and clinical psychology, Cottle describes his research in a few simple words: "I have sought people out and asked permission to speak with them and write about them." It's an effective claim in academia, to have been "out there" getting to know ordinary Americans—creatures viewed, on some campuses at least, with an awe bordering on the anthropological. It's such an effective claim, in fact, that I for one have always approached Cottle's work with skepticism, thinking such a good hype couldn't possibly have any content. But it does.

To be sure, his books are flawed. Their purpose is often vague, as though in spite of his simplicity Cottle felt obligated to ground his researches in one or another academic discipline. His efforts to do this are usually disappointing, and in this respect *Children's Secrets* is no exception. It purports to be an exploration of the effects on young peoples' psyches of having to keep mum about this or that unpleasant family fact. The text consists of 19 accounts, in the children's own words, of what their family secrets are and how they feel about having to keep them, followed by Cottle's ruminations on the meaning of it all. Cottle's books are better when he keeps this latter part to a minimum; it is always weaker than the narratives. Out of respect for his data, which he tells us repeatedly are human beings in all their complexity, he refuses to impose any consistent theoretical interpretation, whether sociological or psychological. But unfortunately, this refusal doesn't prevent him from slipping in and out of various theoretical frameworks in

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a very confusing manner. And the book's two basic working concepts, that of "secret" and "myth," are equally slippery. Sometimes "secret" refers to a family's natural protectiveness, the wish not to wash dirty linen in public. Other times it refers to unspeakability within the family, or at the most extreme, denial in the child's own mind to the point of repression. "Myth" is sometimes a half-truth, sometimes a common ideal, sometimes the traditional tales of preliterate societies. Like many a college sophomore, Cottle starts out with one dictionary definition of a word and ends up with two or three others, pleased as punch and unaware that he hasn't created a concept, he's just made fudge.

But the narratives are good. Cottle possesses some novelistic gifts, including a sensitive ear, a talent for suspense, and a sense of proportion. For the most part the children come across as particular characters, each meshing remarkably well with the particular configuration of his or her pain. And pain is what the narratives evoke, to a disturbing degree. They take look after long, hard look into the troubled hearts of young people whose parents are alcoholic, workaholic, bankrupt, addicted, neglectful, schizophrenic, blatantly promiscuous, chronically unemployed, incestuous, abusive, or suicidal. In most cases the child has not been allowed to talk about his trouble for some time, and the account Cottle gives us is the first unburdening, the tumbling out of everything at once. The narratives are not just complex, they are kaleidoscopic; and Cottle is quite right to point out that several of them defy analysis. A few are so extraordinary that after reading them I can forgive Cottle a lot of semantic and conceptual unsteadiness, because where it really counts, he's as steady as a rock. And I'm almost ready to forgive the authenticity hype, too. For when Cottle ventures into darkest America, he keeps his promise. He brings 'em back alive.

If after reading Cottle we are not sufficiently aware of the dangers of too much consistency, Letty Cottin Pogrebin will make us so. Her book, *Growing Up Free: Raising Your Child in the 80's*, is the new and highly touted replacement for Spock, endorsed by Spock, among others. Which is strange, because in its relentless application of abstract notions to childrearing, it resembles not Spock but some of the manuals Spock's original *Baby and Child Care* was meant to supplant. Like those manuals, Pogrebin's book is nothing if not consistent. One of the founders of *Ms.* magazine, Pogrebin is one of a group of feminists who went around in the early 1970's collecting examples of what used to be called male chauvinism, and listing them together on a page, each one followed by the word "click"—presumably the sound of consciousness raising itself a notch, like a ratchet. By the time Pogrebin began working on this book the clicking became a roar, the roar of machinery. Not only certain attitudes and behaviors, but society and everything in it had come to be regarded as so much sexist raw material to be fed into the grinding gears of feminist analysis. It is not enough, according to Pogrebin, to knock down the occasional barrier standing between

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a female child and something she wants to do, or be. To raise our children free in the 1980's we must go a lot further—in Pogrebin's words, "provide reparations for, and armor against, sex role coercion." Male and female alike, our children must be taught to look at everything in terms of combatting the enemy, sexism. Ever-vigilant, they must spurn the colors pink and blue, critique the genitalia of dolls, debate the placement of the bathroom clothes hamper, protest differential spending on softball mitts, plan affirmative action programs for fixing the toaster and staking the tomato plants, compose angry letters about Wheaties commercials and the labels on Lionel trains. The family as a whole must choose non-sexist "styles" of conflict and sexuality, reinterpret culture high and low, reform the churches and synagogues, infiltrate the school system, reconstruct the language, monitor the media, and keep a sharp eye on the neighbors.

This last is particularly galling, considering that on page 18 of her book Pogrebin acknowledges the fact that sex roles themselves are less important than differences in age, ethnicity, class, and religion. "It is absurd," she declares, "to claim affinity between a skinny six-year-old Baptist boy from a poor family in rural Alabama and a well-fed, urbane sixty-year-old Episcopalian man from Scarsdale . . . strictly on the grounds of their sex." But in the 530 pages that follow this insight, Pogrebin makes it clear that fighting sex role coercion is more important than any of these differences among people. And when she presses her cause beyond the confines of her own family, she makes it equally clear that she is not about to respect such differences.

With the assistance of Joseph H. Pleck, "a leading expert on sex roles," Pogrebin sets forth the three phases of sex role development as they ought to occur. First is the "Amorphous" phase, when "the child has amorphous and unorganized sex role concepts, including confusion over the child's own gender." This is followed by the "Conformist" phase, in which "children learn the rules of sex role differentiation and are motivated to make others and themselves conform to them." On this basis Pogrebin forgives her own children for such unliberated behavior as playing dress-up and forming boys' clubhouses. Since they are fortunate enough to have enlightened parents, it will be possible for them to move on to the third, or "Transcendent" phase, wherein "individuals transcend these sex role norms and boundaries and develop psychological androgyny in accordance with their inner needs and temperaments."* Dr. Pleck, we are told, "draws the analogy between sex role phasic maturation and the phases of children's moral development, *a process that has been studied in reliable detail*" (emphasis added).

* Professor Pleck, incidentally, is one of the few sources directly quoted by Pogrebin who receives acknowledgement in the text. Most of the writers whose words we are reading are noted in the back only—many of them feminist scholars whose shakiest and most opinionated hypotheses are accepted uncritically by Pogrebin.

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This is one of several references to the work of Lawrence Kohlberg, the dean of the "moral education" movement in contemporary education. But popular though this work is, its reliability has not gone totally unquestioned. William J. Bennett and Edwin J. Delattre, for instance, have suggested that Kohlberg's theory embodies absolute levels of moral enlightenment somewhat less than it reflects a clear libertarian bias against the supposed dangers of authoritarianism. In practice this translates into upper-middle-class notions of personal growth and autonomy taking precedence over working- and lower-middle-class concerns with traditional values and the use of parental authority. Bennett and Delattre describe one of Kohlberg's cases in which a teenager has more "right" to go to a rock concert than her mother has to forbid her going. In other words, people who put their own needs first are judged to be more "developed" than those who exert authority over others, no matter what their intentions.[1]

There is always the possibility that some parents may not grasp the full wisdom of this as readily as Pogrebin does, but if Kohlberg and his followers have their way, the public schools will teach it to their children. And in similar fashion Pogrebin would have us enlighten our own children first, then begin working on our neighbors':

> Just as we would not want our children to stall in phase 2 of their moral development, we should not want them to get stuck in phase 2, the conformist, stage of sex role development . . . If they're lucky—or if *you* are their parents and role models—teenage girls will not succumb to permanent passivity and fear of success . . . Teenage boys will, likewise, not turn arrogant with male size or privilege. And neither girls nor boys will let the tight little world of teenage posturing narrow their life options . . . Therefore parents should concern themselves with broad social change as well as with at-home influences.

In this vein Pogrebin actually suggests that when the dishwasher repairman offers your son the last turn of the wrench, you and your family must immediately surround him in the kitchen and inform him of the fact that your daughter, too, likes wielding a wrench. And outside, in the community, your children should be encouraged to correct others—including their elders—who show the slightest sign of sexism. Together we will raise our neighbors out of the mud of phase 2.

It is interesting to note at this point the degree to which Pogrebin accepts parental authority when it is her own, when it is used to impose her own values on her own kids. And Kohlberg or no Kohlberg, she has that right. If she wants to raise a son who refuses to go to a summer camp because of the implicit sexism in its brochure's description of a lake as "man-made," she may do so. If

[1] William J. Bennett and Edwin J. Delattre, "Moral Education in the Schools," *The Public Interest*, No. 50 (Winter 1978), pp. 81-98.

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she wants to keep pads of paper by the TV set and instruct her children to list the sexist and non-sexist characters, and tally them up at the end of the week, she may do so. To a generous extent, our society recognizes the right of parents to police the thoughts of their children, even to turn their children into little thought police. But it does not recognize the right of anyone to define her neighbors as cases of arrested development, and on that basis presume the quasi-parental authority to correct their values, handing out pads of paper to people who are not children at all, much less her children. Yet throughout *Growing Up Free,* Pogrebin shows precious little awareness that there is a limit to her right to dictate to her fellow citizens how they shall conduct the intimate relations of their lives. Not only would she repair the repairman's consciousness while he's in her house, she would also repair his wife's and children's, while they're in their own.

How different is Tom Cottle's approach to the home of his neighbor! Diffident, apologetic, he if anything over-identifies with the people he writes about, especially the poor and working-class. On TV this comes across oddly, a professor sporting the mannerisms of the street, disparaging his own career and obvious ambition as though they'd been foisted upon him. It looks like an act, the shallow compliment of imitation paid by the college graduate to the less privileged. But with Cottle the identification is deep, so deep that we may perhaps dismiss the imitation as an occupational hazard. Even though Cottle shares the well-educated's biases of anti-sexism and anti-authoritarianism, he is capable of seeing through them.

In families traumatized by the loss of normality, Cottle is capable of seeing how brightly normality can shine. He realizes that for the boy who discovers his mother having group sex with his father's employees, or the girl whose father hangs himself, or the witnesses and victims of incest and abuse, there is nothing more devoutly to be wished for than normal, conventional family relations. Sometimes Cottle calls normality a "myth"—along with stability, harmony, affluence, and being sexually straight—in a way that suggests he considers it a half-truth, a form of self-deception. But in dealing with children who grope after normality as the only ray of light in their darkness, it is obvious he means "myth" in the sense of an ideal. Within a disturbed family, normality may be a half-truth, but in the larger context of what children in general need and expect from parents, it is everything.

Cottle seems to believe that we cannot fool around too much with basic family relationships without endangering our children. In fact, he seems to feel that normality needs defending, not only against the pathological disruptions described in the narratives, but also against the growing moral relativism of the culture at large:

> Despite the fact that changes in sexual mores, practices, roles, are not only symbolically "in the air" but actually in the home, we still belong

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> to a culture in which many children do not respond quite as readily to their elders' personal evolutions and revolutions as some of these elders would have us believe . . . In the name of personal growth, development, even liberation, men and women move into all sorts of realms, most of them ideally, in a positive and progressive direction. In the name of their parents' personal growth and development, many children fall backward, or seek to move backward, almost as a physical response, a counter-reaction to changes that they feel ramify too strongly in them, the children.

After spending time with Cottle's children, we can see more clearly the trouble with Pogrebin, which is simply that she strides into the non-sexist future under a sky that is basically cloudless. Having defined anti-sexism as the essence of being human, she reduces all the evil and terror of life to a function of sex role coercion. Aggression, betrayal, incest, perversion, and bedwetting can all be cured by following the lists of do's and don't's that fill the pages of her book. It is, to say the least, a limited conception of human nature. And limited throughout, because to illustrate many of her "radical" changes and reforms, she offers the example of her own rather normal, happy family. All indications are that even though Mom and Dad Pogrebin redefine their "roles," they are *there,* fundamentally and unequivocally, and their children know it well. That her revolution rests upon this bedrock of tradition is a fact not acknowledged by Pogrebin, especially when reciting some of the more extreme views of her sisters in the struggle. She would have us believe that her children are healthy and happy not because she and her husband have provided a normal, stable, harmonious, affluent, and sexually non-deviant home, but because as individuals they have liberated themselves from the "cosmic immorality" that is sexism. It's hard to know how much this rhetoric would be worth to the Pogrebin children if they had to deal with some of the troubles described in Cottle's book, or even if their mother took seriously some of what she quotes from Shulamith Firestone or Adrienne Rich.

Letty Pogrebin claims to be fighting brainwashing, the totalitarian methods used by "the patriarchy" to indoctrinate our children. But her kind of anti-sexism is itself a form of indoctrination more thoroughgoing than the patriarchy's, because it will not acknowledge the existence of anything beyond itself. Politically, it would blind children to the values of other people, equating the social conservatism of many Americans with moral and emotional immaturity. Psychologically, it would deny the importance of traditional values in the children's own lives—a form of false consciousness if ever there was one. Philosophically, it would divide the universe into a disjunction even more artificial than male versus female: that of sexist versus non-sexist.

From my childhood under the patriarchy, I can remember singing "Twinkle, twinkle, little star," and like most children wondering not only what the star was, but also what I was. The reader will

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note that the entire verse, and its sentiment, make no reference to gender. Yet nowhere in Pogrebin's account of childhood do we find acknowledgement of this or a thousand other childhood rhymes, games, and growing pains that have to do with being human, not female or male. Nor, in her kind of crusading anti-sexism, do we find acknowledgement of the fact that most children, even when they are not as afflicted as Cottle's young subjects, spend a fair amount of time wondering about matters deeper and more complex than societal sex roles. What they decide about these matters has a lot to do with the way they grow up, and not everybody grows up in exactly the same way. Pogrebin's cause may be just in its limited sphere, but let us hope that before she and her fellow feminists carry it all the way to the stars, they will realize that there are dimensions of existence where it simply doesn't apply.

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Abstract Expressionism

MICHAEL A. SCULLY

***Michael J. Malbin:* Unelected Representatives: Congressional Staff and the Future of Representative Government.** *Basic Books. 258 pp. $15.95.*

INVARIABLY, what most surprises visitors to the Capitol are the number of important people there who are neither Congressmen nor Senators. These are the staff members, on committees and in legislators' offices, whose functions and influence Michael J. Malbin probes, in a very scholarly and thoughtful way, in *Unelected Representatives: Congressional Staff and the Future of Representative Government.*

Committee staffers, those Congressional aides most keenly concerned with legislation, receive Malbin's closest scrutiny. A glance at one of the tables in the Appendix to his book suggests why the staffing of Congress has raised more than one legislator's eyebrow, and elicited the interest of serious commentators such as Malbin.

Congressional staff members employed by committees of Congress in 1891 numbered 62 in the House of Representatives, and 41 in the Senate. By the middle years of the New Deal, House staffs had doubled to 122 on committees, and quadrupled to 172 committee staffers in the Senate. By 1950, committee staffs in each house had roughly doubled again. After 1950, however, the greatest increases took place, so that by 1970 House committee staffers had risen in number from 246 to 702, while the number of their Senate counterparts had doubled once more, from 300 to 635. By the end

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of the decade of the 1970's there were 1,959 committee staff members in the House and 1,098 in the Senate.

Malbin probes staff members' roles on a variety of committees, which differ in their responsibilities, the styles and acumen of their chairmen, their histories and institutional cultures. Separate chapters illustrate staff influence on the development of the legislative agenda, and the key roles staff play in marshalling support for legislation and in negotiating on substantive issues of policy.

It is probably this last matter especially—staff undertaking the presumed function of representatives—that motivates public concern, and Malbin offers little reason for joy. Summarizing his examination of the staff role on behalf of the so-called Sunset bill setting automatic termination dates for federal programs, he writes:

> Only a few Senators followed or cared about the details of this bill, but they all seemed to know how it might affect them politically. . . . What the senators did not seem to know or care about, however, were the substantive options the staff was considering when the differences in substance had no political impact. (Muskie and Cannon [the major participants] seemed to have followed the issue down to this level, but not the other senators.)

As a result both of its members' understandable concern about potential political effects, and the diligence of their staffs, Congress is awash in information. Moreover, as issues become, or even *appear* to become, more complex, in a society with deep disagreements about its future direction (especially among politically active interest groups), political men seek refuge in "facts." Thus during the debate over natural gas deregulation seven separate studies, all with different projections, surfaced in the Congress to buttress the prejudices of various contestants in the debate.

Yet not even professionalism and the intention of nonpartisanship can guarantee Congressional certitude. Walter Kravitz, who served for a year as the House Budget Committee's first staff director before returning to his administrative post at the Congressional Research Service, made clear the problem when relating to Malbin his dissatisfaction with some of the professional analyses of the Kemp-Roth tax-rate reduction bill:

> I had this experience with . . . [a number of] economists in CRS. I would find something they wrote objectionable from CRS's standards of objectivity and they would be astonished. . . . I would say "how do you know such and such to be true? You haven't offered any proof." The answer I would get would be "you take it to any economist in the country and you'll get this same answer." That was no answer to me, but it was the answer I got.
>
> Eventually, I had to think about this more deeply. It seemed to me that what was at stake here were assumptions held by 90 percent of the economists in the country but not the other 10 percent. Once you accepted the assumption, everything else followed. But it was at precisely that basic point that the real argument occurred. . . .

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Congressmen, in fact, are better equipped to discuss the *assumptions* of an economic outlook than they are to discuss economic policy. Unfortunately, their inability to discuss the latter *in the language of professional economists* surely breeds reluctance to debate the former in the vulgate of the butcher, the baker, and the computer-chip maker.

THE vulgate remains the language of politics, but it is ceasing to be the language of government. And, as always, language affects not only what one thinks, but *in what manner* one thinks.

In this, as in other more obvious ways, the movement of the legislative branch has been away from the strengths of elected officials —the particular and practical—to their weaknesses—the general and theoretical. Malbin quotes Richard Fenno's observation:

> [Members of Congress] . . . are inductive thinkers. That is to say, they start with specific instances—very frequently constituency-related instances—to get a handle on what is going on. . . .
>
> The notion that is oftentimes conveyed—that somehow or other legislators ought to deal in broad policy and leave the details to civil servants—robs the legislator of precisely what he does best in the process of scrutiny, which is to grasp some detail and work out from there.

The language of the elected official—phrases such as "street sense," "gut feeling," "getting a handle" on a problem (so different than the bureaucratic borrowing from academia: "determining its parameters"*), the chronic misuse of "sense" as a verb meaning "to think"—points to the fact that their enterprise is at root an art, not a science.

What's more, there is nothing in their art to suggest the necessity of complex or chronically vaporous language. Such speech, both from the influence of lawyerly attempts at precision and bureaucratic habit, nonetheless fills the Washington air, and a strong whiff drifts into Congress's halls and documents. What follows is from an Office of Management and Budget memorandum, reprinted in a massive volume of Congressional-hearing testimony. Since the subject under discussion is how to smooth the way for small businesses to get government contracts, imagining the characters is instructive and amusing: the small business owner, who speaks vulgate (or do those small business owners who apply for government business already speak the "lingo"?); the government official, whose daily life is lived in a swamp of acronyms; and the Congressman, who has to serve as translator—or has his case workers do so:

> Per our comments to OFPP on its proposed R&D acquisition policy document, we believe policy and procedural guidance in the area of R&D contracting including utilization of small business firms, needs to be promulgated in the primary procurement regulatory system (ASPR/

* The journal of the U.S. Army War College is named *Parameters*. It is a serious and praiseworthy magazine, but somehow one would feel safer if it were named, say, *The Soldier*.

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> FPR) in order to insure uniform implementation (if required) in secondary agency regulations.
>
> In the interest of simplicity, we recommend there be only one point of reference within each primary regulatory system which a small business firm (or procuring activity) has to locate in order to find complete coverage on this subject, (i.e., ASPR 4–106.1(b) and FPR 1–1.712).

Jargon suggests as well as encourages the collapse of public discourse. Sometimes it does so, as in the case above, unintentionally, by making everything appear so awfully difficult and complex—*too* difficult and complex for non-specialists. (Neither Congressmen nor their constituents may admit to hesitancy on that account, but one wonders.) In addition, jargon often serves as an intentional stacking of the linguistic deck. Consider, for example, the fact that a bureaucracy's paying government money to activists for testimony on matters in which they have only an ideological interest are termed by Capitol Hill staffers as "intervenor funding." When Congressmen belatedly debate this issue, they will do so in terminology developed by others; the major hurdle to common sense will be coming from Congressmen's own mouths.

THERE is nothing in the political art, the governing art as practiced by elected officials in a democracy, that requires acronyms, pallid names, and other esoterica. The politician's claim to office is election, and so strong is that claim in a democracy that it cannot be challenged openly. Those whose claim is other than election—whose claim is knowledge of an applied science, a *skill*—tend (in inverse relation to their proficiency at their tasks) to make themselves indispensable by making their enterprises indecipherable. At root, the threat *all* unelected officials pose to elected officials has to do with the clash of two kinds of knowledge, differently arrived at, and reflecting two competing claims to rule: that of election, and that of expertise (to use the unelected claimants' term, the purpose of which is to suggest that experts, especially credentialed ones, can provide something no one can who has mere knowledge).

All forms of government exhibit an awareness of possible tension between the political sphere and the governmental. Most forms of government cope with the problem by severely circumscribing the realm of the political, making it a scrawny limb of government or limiting its practice to one class. Democracies deal with the problem by collapsing the governmental into the political sphere, making the governmental enterprise a function of the political enterprise. The genius of the American system was in solving the problem of democratic instability by circumscribing the dominant political realm through such suprapolitical documents as the Constitution and the Bill of Rights.

It may well be that the most significant development of the past 50 years of American history has been the institution of a govern-

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mental sphere able to offer something other than election as its claim to rule, and thus able to contest the domination of government by politics. What recent works such as Malbin's *Unelected Representatives* demonstrate, is the growing improbability that Congress will be the "battlefield of that great war."

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The Two Cultures of Political Economy

MARK T. LILLA

***Lester C. Thurow:* The Zero-Sum Society.** *Basic Books. 230 pp. $12.95.*

THE late C.P. Snow's distinction between the "two cultures"—that of the scientist and that of the literary intellectual—is well-worn by now, well-worn because it contains so much truth. Snow, one of the few men able to transcend this division, was distressed to see the two cultures moving further apart as science and technology progressed. He criticized the scientific community for failing to humanize and broaden its members, but he reserved his sharpest language for the literary intellectuals whom he called "Luddites." Like the 19th century union, the modern Luddites seek to destroy science and innovation because they fail to understand the rudiments of science and do not believe in the possibility of real progress.

Lester C. Thurow's *The Zero-Sum Society* immediately brought Snow's essay to mind, because reading the book suggests that we have two cultures in American political economy. The Luddites are generally not trained in basic economic analysis and distrust the market, which they consider a corrupt black-box. Their books are churned out rain or shine, though, and always seem to turn a handsome profit. When the economy is growing they are apt to be writing about "Social Limits to Growth"; when the economy slows down we are told that "Entropy" has set in, that these are "The Lean Years," and that "Economic Democracy" is our only hope.

Most economists, who see themselves as scientists, stand in opposition to this view and believe that the market is a complex yet generally benign thing which, when allowed to operate within certain bounds, can increase a nation's standard of living. Now, where those "bounds" should lie is a matter of great dispute. At one extreme are Milton Friedman and other Chicago-influenced economists who believe that political control of the economy only makes

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everyone worse-off; at the other are those like Mr. Thurow who believe that there are a great many occasions when the market "fails" to do what it normally does or when "equity" is needed, and at these times the government must step in *and* can do a better job than the market. Whatever their differences on these matters, though, most economists have two things in common: a belief that the market is generally a positive force in society, and a fundamental misunderstanding of politics.

As our economic problems mount and the public, greatly influenced by the Luddites, grows restless, economists are attempting to make some sense of what is going on. Milton Friedman did this last year in *Free to Choose,* and Lester Thurow has now spoken for his wing of the profession. When Mr. Thurow uses economic analysis to answer the Luddites, he is insightful and extremely articulate. The *economic* nature of our economic problems, he explains, is combined slow growth and inflation caused by rapidly increasing real energy prices and the decline in worker productivity.

He begins with energy and argues that, though the rise in price was inevitable, regulation has only exacerbated the problem by postponing the rise and thereby subsidizing overconsumption. And since domestic energy producers are fighting an international cartel, and not just Mother Nature, he makes the best case I have yet read for some sort of synthetic fuel program to help us become energy independent. His analysis of inflation is equally cogent: A deficit-financed war, OPEC, and international trade disruptions have combined with wage and price rigidities to start inflation and then perpetuate it through the *expectation* of inflation by the public at large. He believes that further deregulation of industries will fight inflation, but that wage-price controls and other administrative techniques are unworkable.

Finally, he turns to sluggish growth and how it has been affected by government regulation and environmentalism. Low productivity is put in an interesting light when he shows that productivity will always drop during a recession when plants work at less than full capacity. But Thurow recognizes that even under full-employment U.S. productivity is lower than that in other industrialized democracies because our leading industries have reached the top of the technological "learning-curve"; if we are to grow again investment in *new* industries, not just older ones, must increase. In my view, Mr. Thurow makes too little of the aggregate effects of regulation in reducing this sort of investment and, thereby, economic growth. But he does make it clear that much regulation has been supported by muddled thinking, particularly environmental regulation. There really are no inexhaustable natural resources since the economy always makes "new" resources as prices change, so he dismisses "small is beautiful" economics as a sham which robs the poor of the only hope they have of bettering their condition. Long-time readers of this journal will find little new here—the problems with rent control, anti-trust laws, the corporate income tax—but the lucidity of Thu-

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row's style and his lack of stridency make his exposition of the failure of government policy especially effective.

THAT said, what unifies Mr. Thurow's economic insights is a political argument that is very misguided. He, and Friedman for that matter, attempt to answer the central question of "political economy"—what are the possibilities and limitations of directing the economy to serve public ends—without using the language or perspective of the political thinker. For Milton Friedman the polity almost does not exist; for Mr. Thurow it is a "zero-sum" game.

Mr. Thurow seems to mean "zero-sum" in two ways, both misconceived. At times, the term is used normatively to suggest that our society is less just than it might be because every policy produces some "winners" and some "losers," especially if we call "losers" those who "win" slightly less than others. This is a terribly strong egalitarian test—even stronger than John Rawls' fashionable "difference principle" which only requires that the worst-off be made as well-off as possible—and Mr. Thurow does not try to defend it. More often, he argues that our political system has *become* zero-sum because any interest group that stands to lose something by government action—say, in energy or monetary policy—is able to stall the political process and prevent the economy from performing.

There is a bit of truth in what he is getting at, but calling our political paralysis a "zero-sum" situation misunderstands the nature of contemporary politics. It is true that it has become harder for Congress to act decisively, for the President to wield authority, and for the judiciary to reach a consensus. Over the past five years there have been a number of political thinkers (such as Samuel P. Huntington, Samuel Brittan, and Richard Rose) who have noted this, calling it the "crisis of democracy" or "ungovernability," but they are much more insightful and truer to the nature of the polity when they argue that American institutions are inherently less able to act because of the decline of political parties, the rise of an unbounded anti-authoritarian ethic, and the new adversary role of the media. And precisely when these institutions are weak, the demands on government have become immoderate, if not overwhelming. In economic terms, if you like, our political system is in a dangerous disequilibrium: Demand has outstripped supply (which is fairly fixed) and the political "marketplace" is in havoc.

Understanding the limits inherent in governing, the "ungovernability" writers have made the only sensible argument: Demands on government must be tempered. There is just so much government, *any* government that is not authoritarian, can do to entertain the aspirations of its citizens without threatening fiscal bankruptcy or the "war of all against all." But as Lord Snow has suggested, the scientific culture believes in progress in the material world; and since the economist has become ever more scientific in outlook, it is not surprising that he will seek progress in our political world as well.

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If the political system seems to be floundering in the making of economic policy, it seems inconceivable to many economists that a little more economic analysis won't get us out of the mire. All we need is a theory. Increasingly economists want to ply their trade in constructing abstract *economic* theories of distributive justice, and have begun writing for journals such as *Philosophy and Public Affairs*. Thurow is among this group, and the final few sections of his book are devoted to an economic theory of income redistribution.

THUROW says that income redistribution is the "paradigm zero-sum game" and the root cause of political-economic problems. To begin with, he is sure that the method by which income is distributed in this country is irrational: "The winners are, as in any lottery, lucky rather than smart or meritocratic." (He never develops his argument here, and with good reason. Even Christopher Jencks, in *Who Gets Ahead?*, has come to the view that background and education, not "luck," are the primary determinates of economic success.) We must also pay attention to group demands for income redistribution, he says, because "every society has to have a theory of legitimate and illegitimate groups," and he wants a national income redistribution policy to make every group's income distribution the same as that for white males. We need "better compensation systems" whereby wealth is "distributed in accordance with equity (whatever that may be), individual preferences are properly weighted, and the market can efficiently adjust to an equitable set of demands."

These vague notions—"better compensation systems," "distributing wealth"—are peppered throughout the last sections and make his recommendations obscure, but one sentence seems to sum up what drives the entire book: "Both politically and intellectually our history is one of pretending that we can avoid making explicit decisions about the fair distribution of economic resources." This is not "pretending"—*no* polity, unless it was completely authoritarian, has ever *decided* what the distribution of national income would be. No state—laissez-faire, mixed, or even socialist—try though it might to poke here and there at the economy and change the distribution of rewards, has ever met with much success in the long run. Thurow does finally mention a guaranteed job program, a few changes in the tax code, and increased government planning, but I think he has in mind much more than this—for economists to derive an *a priori* income distribution theory and hand it to political authorities for application. *Then* we would know whose income was supposed to be cut and whose was supposed to be raised!

Theorizing about a "just" and "rational" income distribution is only a game, of course, but it is almost the only way economists discuss politics today. Economics may be a science of "rational decision," but what drives politics is interest, not decision. And when a polity tries explicitly to determine the distribution of income, not

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merely protect certain people against hardship, it cannot stand the strain. For all his insight into the state of the contemporary economy, Thurow's lack of political acumen makes his book superfluous. Rather than the radical and permanent redistribution of income, a task beyond any democracy, our central political-economic problem in this decade will be reducing the demands on government to allow the economy to perform, albeit imperfectly, its traditional role of increasing the welfare of all Americans. Some Americans will surely do less well than others, but everyone does eventually gain; that is the most any polity has ever been able to demand of its economy. Only when this is understood will we become "governable," only then will we be able to act collectively when the nation faces severe challenges.

This sort of *political* thinking about the control of the economy is what political economy is all about, and what is most disturbing about Mr. Thurow's book is that it really does represent the unreal quality of political economy among the scientific culture of the economists. Young economists today are trained and encouraged to be precocious, clever, and mathematically sophisticated, but there is little emphasis on obtaining a general and wise understanding of the nature of the polity or, more generally, society itself.

The age of Schumpeter, Hayek, Keynes, and so many other political economists who were first-rate intellectuals and social thinkers, seems to be over. After reading this book one wonders what the contemporary discipline of economics can offer their potential descendents, or if there will be any such descendents. The apparent growing importance of economists in government notwithstanding, "scientific" training has diminished the ability of economists to capture the imagination of political thinkers and intellectuals generally. Thus is the public debate forfeited to the Luddites with all their muddled economic views, views which are so simple and so easily believed. The result, I think, is that we are governed less well, less intelligently.

Mark T. Lilla is Assistant Editor of The Public Interest.

Constitutional Law Today

WILLIAM KRISTOL

***John Hart Ely:* Democracy and Distrust: A Theory of Judicial Review.** *Harvard University Press. 268 pp. $15.00.*

HARVARD law professor John Hart Ely's new book is a superior representative of the contemporary American "legal mind." Its argument is more thoughtful, and its conclusions more sensible,

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than most writing in the field of constitutional law. Yet it is a representative work, in manner and substance. In manner, it is quick rather than deep, cheerfully clever rather than soberly judicious; it stands in striking contrast to Bacon's admonition (which according to Story was followed by Marshall) that "judges ought to be more learned than witty; more reverend than plausible; and more advised than confident." In substance, Ely's book is concerned to offer "a theory of judicial review" superior to those of other law professors and recent judges; he is little concerned either with the fundamental questions of political philosophy that underlie the disputes among law professors, or with the actual effects of judicial decisions on the American polity and American society.

In the first third of his book Ely skillfully demonstrates the inadequacy of the two dominant approaches to the problem of judicial review. The first approach is "interpretivism," which claims more or less simply that judges can find all the guidance they need in the text of the Constitution, along with the legislative history of the Constitution's various provisions. This notion is alluring but, Ely argues, impracticable given the open-endedness of many constitutional provisions, especially the Fourteenth Amendment. He praises Justice Black for urging judges "to behave like lawyers rather than dictators or philosopher kings and thus to heed the directions of the various constitutional clauses." But he adds: "On candid analysis, though, the Constitution turns out to contain provisions instructing us to look beyond their four corners."

Ely's criticism of narrow interpretivism does not lead him to join the other camp in today's debate among law professors, consisting of those who encourage judges to look to sources beyond the text of the Constitution to guide their judgments. He effectively dissects the various suggestions for such sources, arguing that none can avoid inviting judges, in fact, to impose their own views in the course of interpreting the Constitution.

HAVING exploded the "false dichotomy" that dominates "contemporary constitutional debate," Ely offers us his theory of judicial review as a way out of our quandary. It is striking that it does not seriously occur to him to look for an alternative understanding, one superior to the contemporary debate, in the writings of the founders of the American judicial power, such as Hamilton and Marshall. This fact would be more striking did it not characterize virtually all of modern constitutional law. Alexander Bickel's *The Least Dangerous Branch,* for example, borrows its title from *Federalist,* No. 78; but Bickel discusses that remarkable paper for less than a paragraph in his text, and his brief consideration of Marshall's most famous opinion concludes, "*Marbury v. Madison* in essence begs the question. What is more, it begs the wrong question." So Ely has modern precedents on his side for his modernist procedure.

Ely's own theory of judicial review is an "argument from the

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general contours of the Constitution." This approach, and even his method of understanding those contours, is in certain ways reminiscent of Marshall, who wrote, dissenting in *Ogden v. Saunders*, "that the intention of the instrument must prevail; that this intention must be collected from its words; that its words are to be understood in that sense in which they are generally used by those for whom the instrument was intended; [and] that its provisions are neither to be restricted into insignificance, nor extended to objects not comprehended in them, nor contemplated by its framers." Yet it is appropriate that Ely not pay special heed to Marshall (or Hamilton), for his understanding of "the intention of the instrument" differs significantly from theirs.

Ely's understanding is, in a word, egalitarian. He is dissatisfied with the two dominant theories of judicial review not only because they are flawed in themselves, but because:

> neither of the proferred theories—neither that which would grant our appointed judiciary ultimate sovereignty over society's substantive value choices nor that which would refer such choices to the beliefs of people who have been dead for over a century—is ultimately reconciliable with the underlying democratic assumptions of our system.

His own theory of judicial review, Ely argues, "*is* consistent with those underlying assumptions, in fact constructed so as to enlist the courts in helping to make them a reality." Because of this, his understanding of the role of the judiciary is both more expansive and more limited than that of its founders: more expansive, insofar as his notion of democracy requires substantial judicial intervention on behalf of democracy against the political branches; more limited, insofar as his "representation-reinforcing" and "process-oriented" approach fails to recognize the distinctive contribution of the judiciary to the American republic, a contribution that cannot be understood simply as ministerial to the task of making democratic assumptions a reality.

Ely's theory of judicial review in the service of democracy would have the judges perform two related tasks. The first is keeping the political process open and democratic—"clearing the channels of political change." This would require vigorous protection of political speech, would justify the one-man/one-vote reapportionment decisions, and would suggest a revival of the non-delegation doctrine so that legislators could more easily be held accountable for their deeds.

The second prong of Ely's theory is less conventional, and more far-reaching in its implications. According to Ely, "the duty of representation that lies at the core of our system requires more than a voice and vote," more than "a political process open to all on an equal basis"; it requires that the representative act with "equal concern and respect" for all citizens. The judiciary should enforce this duty on the elected representatives as far as possible. Ely sensibly acknowledges that he does not mean—he cannot mean—"that every-

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one is entitled to equal treatment by every law," since "much of the point of most laws is to sort people out for differential treatment." Just what the standard of "equal concern and respect" or "equivalent respect" does mean is an interesting question, and one Ely does not fully succeed in clarifying. He does specify some of the consequences of adoption of this standard, which he claims to find embedded in the contours of the Constitution. The courts would be engaged in, as the relevant chapter title puts it, "facilitating the representation of minorities," and particularly in examining legislative and administrative motivation to ensure that laws or official actions are not based on discriminatory intentions, or even on discriminatory stereotypes. Judges ought to be suspicious of laws based on generalizations "whose incidence of counter-example is significantly higher than the legislative authority appears to have thought it was. . . . To disadvantage a group essentially out of dislike is surely to deny its members equal concern and respect." The effect of Ely's admission that "the rub comes in how the Court should go about identifying such situations" is not lessened by the 20 or so pages he devotes to massaging this principle for the sake of making it workable. Ely claims that his "general theory is one that bounds judicial review under the Constitution's open-ended provisions"; but except that Ely's theory would prevent such obvious impositions of judicial beliefs as that in the abortion decision *Roe v. Wade,* the bounds are neither very clear nor very convincing.

Ely does acknowledge that "the elaboration of a representation-reinforcing theory of judicial review could go many ways," and it is true that no reasonable theory can do away with hard cases. What is at issue, of course, is the principle on which the theory rests, the duty of equal concern and respect. But as this is a work in constitutional law and not in political philosophy, Ely does not devote much time to the fundamental questions that could be raised about the soundness of the principle.

On the other hand, because this is a work in constitutional law and not in the politics of the judiciary, Ely need not discuss at all the question of how adoption of his theory would affect the courts' current use of their equitable powers to order major social programs. Surely this is a striking feature of the contemporary judiciary. It depends on the transformation of the understanding of "rights," and the transformation of judicial procedures, such that a discriminatory action (or absence of integrative action) by a school board a generation ago results in an order in a class-action suit mandating busing for certain children today—whether or not they want it—as a remedy for this past deprivation of other children's right to "equal educational opportunity." Ely says nothing of the relationship of his theory to this transformation. He need say nothing, since his is a work in the field of constitutional law. But for this reason Ely's book suggests the following question, at least to a non-lawyer: Does not the discipline of constitutional law fall unsatisfactorily

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between political philosophy, on the one side, and the study of the actual character and impact of the judicial power, on the other?

However this may be, constitutional law is important, or at least revealing, for students of American politics, and so is Ely's book. In his chapter arguing against the attempt to encourage judges to read notions from whatever source into the Constitution, Ely disposes nicely of Ronald Dworkin's plea for "a fusion of constitutional law and moral theory." Dworkin invites judges, in Ely's words, to "seek constitutional values in—that is, overrule political officials on the basis of—the writings of good contemporary moral philosophers, in particular the writings of Rawls." Ely points out that Rawls has been powerfully challenged, that there is no consensus in "moral philosophy" (if there is such a thing), and he remarks: "The Constitution may follow the flag, but is it really supposed to keep up with the *New York Review of Books*?"

It is therefore surprising to find Ely quoting Dworkin in the next chapter, in which Ely begins to develop his own theory, as an authority on the "equal concern and respect" principle. Ely claims to discover this principle, of course, at the core of "the American system of representative democracy"; but he understands that system to embody rather simple-minded democratic and egalitarian assumptions. Indeed, for Ely, democracy is not a problem but an assumption. Unlike Madison (in *Federalist*, No. 37) he is not struck by the difficulty and necessity of combining the "genius of republican liberty" with other "valuable ingredients" of good government, such as energy and stability. For Ely the primary problem is that of reconciling majority rule and minority rights. But this is, in fact, only a part of the more fundamental problem of popular government—namely, that it is not the passions but "the reason, alone, of the public, that ought to control and regulate the government" (*Federalist*, No. 49). Ely does not consider how the judiciary is intended to contribute to this end. Though more knowledgeable and respectful of the Founders than are many of his brethren in the law schools, Ely remains too much within the horizon of contemporary egalitarianism to learn from these great forebears. Contemporary constitutional law does not liberate us from the dogmas of our time; it reinforces them. And so, *a fortiori*, does the contemporary judiciary as a whole.

Once Justice Story could reasonably hope that the legal profession could provide what was otherwise lacking in America—a barrier to "the inconvenience of too little regard for what is established, and too warm a zeal for untried theories." Who, today, has a warmer zeal for untried theories than the legal profession? Once Tocqueville could praise the judicial power and the legal spirit for indirectly mingling conservative and aristocratic habits of thought into the democratic spirit, thus helping "to neutralize the vices inherent in popular government." Is such praise still reasonable? Ely's book suggests how altogether different is the understanding animating much of the legal profession, and governing much of the

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judiciary, today; and how different, therefore, are the effects, direct and indirect, of the courts and the bar on the polity.

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Secrets of Success

PETER SKERRY

***Edward Zigler and Jeanette Valentine, ed.:* Project Head Start: A Legacy of the War on Poverty.** *The Free Press. 610 pp. $22.50.*

HEAD START is most frequently thought of as a kind of public nursery school for youngsters from poor families. But as the subtitle of this book—*Project Head Start: A Legacy of the War on Poverty*—suggests, it is much more than that. It is in many respects *the* legacy of the war on poverty. Indeed, Head Start is today, without a doubt, the oldest and most popular survivor of that war.

From its inception Head Start has had a charmed existence. It began as the brain child of Office of Economic Opportunity Director Sargent Shriver, who in December 1964 envisioned it as a summer enrichment program for about 25,000 children at a cost of about $10 million. Six months later it was launched at a cost of $70 million for over 500,000 children. As part of the Community Action Program, Head Start was soon under attack by local political leaders who perceived it—correctly—as a threat to their power, for it provided money directly to community groups. The program survived these attacks, only to be humiliated in 1969 by the famous Westinghouse study, which demonstrated that Head Start's promised impact on cognitive development was not to be realized. Nevertheless, the program struggled along. During the dismantling of OEO undertaken by the Nixon Administration, Head Start's supporters even managed to keep it out of the hands of the education bureaucrats at the Office of Education and to secure it a place in the newly created and presumably more friendly Office of Child Development. More recently, the program has been kept out of the new Department of Education, despite the efforts of the Carter Administration to include it in that agency. In 1977 Congress authorized Head Start's first expansion, allowing it to serve an additional 75,000 children. As a result Head Start's prospects are today brighter than ever, and the program serves for many as a model of how effective government child-care can be.

Project Head Start is a 610-page volume that recounts these and other aspects of this unique program. Its principal editor, Edward Zigler, professor of psychology at Yale, speaks with a good deal of

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authority, for he served as a member of the original Head Start Planning Committee and subsequently as the first director of the Office of Child Development. His fellow contributors are also long-time participants and observers of Head Start, and they provide a wealth of information from a variety of administrative and disciplinary perspectives—information that has for the most part been buried away in hard-to-find consultants' reports and government studies. This volume will henceforth clearly be *the* source for all those concerned with this intriguing program.

A major strength of the book is the fact that despite their clear loyalties to the program, the contributors for the most part face up to the problems that have plagued Head Start from its beginning. They do not, for example, share the uncritical enthusiasm of other Head Start supporters concerning recent reports that some preschool programs have produced long-term effects, up to ten years after the children have left. In contrast with the disappointing findings of the Westinghouse and other studies, some of these reports indicate that graduates of certain "Head Start type" programs are much less likely to be held back one or more grades than their peers who did not attend the programs. There is even some evidence that these programs have produced sustained increases in reading and math achievement (though not I.Q.) scores.

Citing these findings in a recent editorial, the *New York Times* referred to Head Start as "a triumph of social engineering." In fact, the results come from several small-scale, university-based experimental programs executed with the utmost care—a point acknowledged by Francis Palmer and Lucille Andersen, two of the contributors to this volume. After carefully reviewing the evidence, they forthrightly note:

> With few exceptions the design of these studies was concomitant with rigorous staff training, continuous monitoring to ensure that the intent of a program was carried out in practice, and periodic assessment of the results built in from a program's inception. To achieve the same results, staff training in the chosen model, as well as monitoring and supervision, must be planned and funded in every program.

In other words, it remains to be seen whether such results can be duplicated on a national scale with a program serving 400,000 children and working under severe financial constraints—and widely noted for its loose administrative structure. For the present, then, it seems prudent to conclude that these impressive findings are less "a triumph of social engineering" than the results of "social entrepreneurship" among academic researchers whose next grant and careers depend on the successful implementation of their theories.

ANOTHER issue straightfowardly confronted in this volume is Head Start's performance in the health area. Laden with pediatricians, the Head Start Planning Committee listed "improving the child's physical health and physical abilities" as its first recom-

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mendation. As a result, during the debate over the Westinghouse report, supporters of the program could and did argue that Head Start nevertheless provided poor children with nutritious hot meals and important medical services. But as Dr. A. Frederick North, a pediatrician who has worked with Head Start from the beginning, reveals in his contribution to this volume, Head Start's achievements in this area have been rather uneven. Thus, in 1970, the program provided diptheria and polio vaccinations to less than 50 percent of its charges who needed them, while two-thirds of those in need of small pox vaccinations did not get them. Each Head Start center has also been required to provide each child with a dental exam and, when necessary, treatment. Dr. North reports that in 1970 about 70 percent of the children were examined, but only one-third received all the treatments they needed. And only one-third of the children got their flouride treatments, though the overwhelming majority lived within areas where water supplies were not flouridated. Dr. North notes that prior to 1970, Head Start's performance in these areas was even worse. And since 1970 no records have been kept, so it is impossible to evaluate the program.

Another important facet of Head Start is parental involvement. As a community action program, Head Start has emphasized from its inception the participation of parents as volunteers, employees, and policy makers. Furthermore, it has always endeavored to offer employees in general, and parents in particular, opportunities for training and occupational advancement. Penelope Trickett, a developmental psychologist at Yale, reports in *Project Head Start* that as of 1973 more than 12,000 Head Start staffers had received some college training under the program's auspices, while around 1,000 had actually received A.A. or B.A. degrees. And since 1975 about 1,000 Head Start employees—some of them parents—have been certified as child-care paraprofessionals. Once again, poor record-keeping makes it hard to tell exactly how this aspect of the program has gone.

Compared to the 6 million children—and their parents—whom Head Start has served to date, these results may seem modest indeed. Nevertheless, Head Start remains an immensely popular program. All the available evidence indicates that just about all parents who have sent their children to Head Start say it was a positive experience, and one they hope their younger children will have. It's no surprise that most centers report lengthy waiting lists. The question then arises—and remains unexplored by the contributors to this volume—how has Head Start been able to survive its many apparent shortcomings?

One feature of the program that begins to address this question is the simple fact that Head Start has promised many things to many people, and delivers to some extent to all. It is a compensatory-education program that has never been administered by the federal education bureaucracy. It is a parent-education program

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that also seeks to give jobs to parents. It is a community action program that is also concerned to feed children and provide them with medical and dental care.

By virtue of these multiple goals Head Start has been able to avoid the problems of more focused programs. To be sure, these multiple goals have frequently been ignored when, for example, officials and the public alike focused on test scores. But when evaluations have dashed hopes for increased scores, proponents can and have argued that this is not the only purpose of Head Start. On the other hand, when, in the late 1960's, the community action component of Head Start came under fire from Southern congressmen and big-city mayors as a threat to their legitimate political authority, the program was justifiably defended as an educational effort to end the poverty cycle for underprivileged youngsters. Indeed, as Sargent Shriver explains in his contribution to this volume, he quite consciously intended Head Start's emphasis on poor children to defuse rapidly mounting opposition to community action.

Parent participation is another feature of Head Start that contributes to its staying power. Indeed, since 1975 Head Start regulations have mandated parental participation at all administrative levels, making it unique among federal programs. The implications of this norm of participation transcend any notions of participatory democracy or community control, of which Head Start enthusiasts frequently boast. For the parent participation requirements mean that this is a program in which recipients—parents—must be willing to help themselves. This is reinforced by the requirement that federal funding for each Head Start center cover only 80 percent of operating expenses. The remainder must be raised by each center, which means they rely on the in-kind contributions of parents. One cannot help but feel that by making this provision for a widely shared belief in self-sufficiency, Head Start earns legitimacy in the eyes of parents, administrators, and the public.

Similarly, the emphasis on providing jobs to parents and community residents differentiates Head Start from other social welfare programs that are stigmatized as give-aways. Of course, as a compensatory education program, Head Start is inevitably burdened with the assumption that the poor are trapped in the culture of poverty and consequently unable to help their children escape their own misfortune. This is undoubtedly true for some families. But Head Start is also based on the overt assumption that many poor parents are not deficient and merely need employment or opportunities to prove themselves. Head Start provides just these opportunities for many parents in a variety of contexts. And in this way the program treads a narrow path between paternalism and self-help.

However modest parent participation in Head Start may actually be—and the book ignores much of the available evidence indicating that it is quite modest—in fairness the program must be compared with the competition. Day-care centers, for example,

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whether public or private, are not known for involving parents in their activities. Nor are the public schools, where opposition to the presence of parents—as volunteers or as decision makers—is voiced by spokesmen such as Albert Shanker. The comparison between Head Start and the schools is particularly revealing. For while the latter have grown increasingly rigid under the weight of governmental and union constraints, Head Start centers remain remarkably flexible and non-bureaucratic institutions. Most centers are small, serving between 50 and 60 children. The lines of communication between center directors and teachers are direct; teachers and other employees are not generally unionized. And, as we have already seen, the coming and going of parents contributes to an atmosphere of openness and informality.

What emerges from this comparison is that in many respects Head Start centers function as genuine community institutions, providing a variety of services to parents and children alike. More specifically, Head Start centers frequently function as minority—especially black—community institutions. A recent study not cited by *Project Head Start* indicates that half of Head Start enrollments are black; about 15 percent are Hispanic. Only a third are white. Head Start staff is about evenly divided between blacks and whites; in the small towns and rural areas of the South, and in urban areas in the West, center staffs are predominantly black.

One factor undoubtedly contributing to these enrollment figures is the high value black parents place on education, including education for their young children. Indeed, numerous observers of Head Start and other preschool programs report that black parents take them very seriously and expect them to begin teaching their three-year-olds to read and to cipher—an academic emphasis that usually conflicts with the more play-oriented approach of most Head Start teachers.

Another factor here is the black orientation of the anti-poverty program from which Head Start emerged. During the 1960's Head Start helped mobilize poor black families under the heel of Southern white supremacists, and in the northern cities the program also served as a vehicle for political activism. While this aspect of Head Start is today much less evident, the program is in large measure seen as run by and for blacks, providing an institutional base—albeit a modest one—that helps sustain black community leaders around the nation.

THESE factors are crucial to Head Start. Indeed, it is difficult to understand its persistent popularity without taking them into account. Yet this is exactly what the contributors to *Project Head Start* do. As a group they are surprisingly unmindful of the secrets of Head Start's success. Nowhere is this more apparent than in a closing chapter, in which Professor Zigler and his co-editor Jeanette Valentine criticize Head Start for segregating children by race and class:

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> Head Start tracks economically disadvantaged children into separate programs in the same way that low-achieving children and adolescents are often segregated in "dumb" classes in elementary and high school. While we show great concern for the deleterious effects of stigmatizing school-aged children, we ignore the stigma that results from participation in a program for economically disadvantaged children. The present . . . policy not only contributes to the segregation of children along ethnic and social-class lines but denies middle-class and disadvantaged children, as well as children from different ethnic groups, opportunities to learn from each other.

Aside from the dubious characterization of Head Start as segregated, there is no evidence at all that Head Start is seen this way, as a program for "dumb" kids. Certainly, none of the evidence offered by the other contributors supports this view. Indeed, it is striking that Head Start uniquely defies the frequent claim that means-tested programs inevitably stigmatize their intended beneficiaries.

Nonetheless, on the basis of other criteria, society may decide to promote the racial or socioeconomic integration of programs such as Head Start. There is a case to be made here, and Professors Zigler and Valentine make it as well as anyone. What is troubling, however, is their failure to address the implications of their recommendations for Head Start as we now know it. For it seems likely that integrating the program along race and class criteria would undermine the very strengths of Head Start. Integration would certainly weaken Head Start's base in minority communities across the nation. More to the point, it is doubtful that minority parents would be able to maintain control of the program at any level once it had been opened up to more affluent parents, who invariably have the flexible schedules and organizational skills that permit them to participate so effectively in many spheres of social and political life. Thus a useful forum where poor and minority parents to some extent have been able to learn these important skills would disappear. Finally, it seems likely that the bureaucratic mechanisms needed to monitor integrationist goals might well intrude upon this remarkably unbureaucratic program, in which individual centers enjoy considerable autonomy, and alienate parents who now feel the program to be theirs.

Head Start presently reaches only 15 percent of eligible children. Enthusiasts frequently talk of the need to expand the program to meet the needs of more poor children—a not unreasonable objective. But for most—including Professors Zigler and Valentine—Head Start is ultimately the model for universal public child-care. For them the integration of Head Start is part of this larger agenda. I have not considered here the substantial evidence that the nation is not prepared—politically or fiscally—for universal child-care services. Regardless, it seems clear that policy makers such as Professor Zigler and his contributors have failed to learn the lessons of Head Start—lessons they should ponder before contemplating fun-

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damental changes in this remarkable and somehow successful program.

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Of Citizens and Soldiers

SETH CROPSEY

***Peter Karsten, ed.:* The Military in America.** *The Free Press. 485 pp. $9.95.*

For Tocqueville, the military's place in democracies is shaky because democratic men are prone to see war not as a chance for honor but as an interruption to commerce and the furthering of wealth. This turns out to have been a better analysis of Rome and the Greek city-states in their decay than a prediction of the United States in its first 200 years. Anti-military *feeling*, on the other hand, as shown in a collection of essays edited by Peter Karsten under the title *The Military in America*, is a national tradition which dates back at least to colonial times.

Traditions of political liberty in England had always opposed the likes of a Japanese, imperial Roman, or German martial spirit. "In war," as Churchill said, "resolution," but "in peace: goodwill," not a permanent warrior class, a nation which lusts for international conquest, or a people enthralled by the steel heel and the gold-spiked helmet. A military usually requires conscription or impressment and always demands discipline and more taxes. Political liberty encourages the acceptance of none of these. Such an attitude, at any rate, was a big portion of the colonists' political inheritance and to it was eventually added the presence of English soldiers as protectors, as recruiters for European wars, and lastly as the symbol of what came to be regarded as wrongful authority. A selection from Governor Thomas Hutchinson's history of Massachusetts describes an incident which happened in Boston 30 years before the Revolutionary War, and shows what colonists saw in a resident military, and how firmly they disliked it.

An English commodore stationed at Boston, having lost a number of sailors through desertion, judged it fair to seek replacements among civilian sailors who were in plentiful supply along the wharf. Accordingly, a press gang sallied forth one morning and started rounding up likely prospects. "The lower class," wrote Governor Hutchinson, "were beyond measure enraged." A mob assembled, surrounded the governor's house, where it had been learned several commanders had gone, and held them hostage. Following threats by the commodore to bombard the city, the alerting of the local

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militia, and the intercession of the Massachusetts House, the English officers were let go, as were most, if not all, of the inhabitants who had been impressed. The entire city was delighted to see the squadron sail off.

Twenty years later Samuel Adams was writing in the *Boston Gazette* that "it is dangerous to civil society when the military conceives of itself as an independent body, detach'd from the rest of the society, and subject to no controul." Adams' fears about armies, especially peacetime ones, are pretty much similar to the view held by the Whigs, who feared the rootless, unpropertied, lower-class origins of a military with time instead of enemies to kill. This opinion is also a good working account of the newly-born United States' view of the military.

An article about the Newburgh conspiracy by Richard Kohn illustrates the effect of this feeling on the military at a moment when deference to civilian authority was not as it is today. After the Revolutionary War ended in 1782, Congress had neglected to approve officers' half-pay pensions promised two years earlier, and then added to growing discontent by failing to pay the army for several months. Kohn describes the cumulative effect on morale in terms which should be thoroughly familiar today, when middle-level career officers are streaming out of technical military specialties to join the ranks of their civilian counterparts who are often paid—by defense contractors, airlines, and utilities—twice as much for the same work. Of the Revolutionary War officers, says Kohn, "many had been impoverished by the war while friends at home had grown fat on the opportunities provided by the war." Parallel to current practice was the effort of those in Congress like Robert Morris and Alexander Hamilton to use the military for their own political purposes—in this case the strengthening of federal revenue collecting powers. Disgruntled senior officers were encouraged to act upon their complaints, perhaps in the form of some disobedience to civil authority. The plan was that this should impress a reluctant Congress of the need for a national impost to raise money for the army. Washington, to whom Hamilton had written of the despair felt within the army, confronted the plotters, whose widespread support vanished following an extraordinary appearance by the General.

USING the military as a political tool became a common practice following the Revolution. Jefferson's administration used military appointments to fulfill patronage obligations—a custom the Articles of Confederation prompted by leaving military affairs largely to the states, thus forcing officers into the political world to lobby for pay, advancement, and benefits. A chapter by William Skelton argues that the resulting connection of military men to political life (which tended to divide their interests), and the broad social base from which officers were drawn, prevented the coalescing of military factions into "an exclusive praetorian elite" and helped nurture the subservience of military to civil power.

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In war, such as that of 1812, political support and admiration showered upon the armed forces. In peace, however, disinterest. Jefferson shrank from building a strong navy because of his general mistrust of a military establishment. Ships which would have hurried the War of 1812 to a conclusion were not built. And in Jackson's administration, as Skelton notes, "the regular army was continually a target for congressmen, state legislators, and editors, who found its authoritarian structures and reliance on specialized expertise incompatible with egalitarian values." The public's overall suspicion of things military, and the armed forces' inability to agree on common interests, forced a gradual retreat of officers from political activity.

Outside government, a particularly important form of anti-military feeling has consisted of the persistent and effective objection by part of the press. An article in the book, about Confederate desertion, lists as causes the senseless administration of conscription, the devastating impact of high prices on families left without providers, and the demoralization caused by a belief that the wealthy could pay their way out of serving. ("It seems," said Jefferson Davis in late 1862, "as if nine-tenths of the youngsters whose relatives are conspicuous in society, wealthy, or influential, obtain some safe perch where they can doze with their heads under their wings.") But more telling than all of these, according to the author, was the dissatisfaction with government which some politicians and the press fanned. In 1863, General D. H. Hill complained that "there is a powerful faction in the state poisoning public sentiment... [T]he soldiers are induced by these traitors to believe that this is an unjust war." With considerably more restraint, Lee noted the "evil consequences resulting from crude misstatements of newspaper correspondents."

To bring the discussion up to the present, a chapter by Benjamin Franklin Cooling takes up the so-called military-industrial complex. Cooling cites the remark in Eisenhower's farewell address: "In the councils of government we must guard against the acquisition of unwarranted influences, whether sought or unsought, by the military-industrial complex."

Eisenhower, who had an intelligent military man's skepticism about the Pentagon, never intended to sound a rallying cry which budding generations of leftists would raise as an indictment of the capitalist war machine's foul scheming—a point he made again and again when asked in later years. Cooling believes that the military-industrial complex dates from the Civil War, when the new industrial order enriched profiteers through government contracts, and writes:

> ominous efforts to militarize societal attitudes through deceit, opinion manipulation, and an unceasing barrage of propaganda have become apparent... That crucial decision-making by military industrial elites or oligarchs 'governs' the nation beyond public scrutiny, effective

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political opposition or even Constitutional regulation has been implied by many analysts.

Ironically, Cooling's article is a 20th century example of the American anti-military tradition examined in many of the book's articles.

One of the lessons of experience in military affairs is how vulnerable morale is to a host of afflictions: low pay, poor equipment, bad leadership, lax discipline, the disregard of civilians. Tocqueville is certainly right when he calls the last of these responsible for exposing democracies to great dangers. What is remarkable about civil-military relations in the United States is *how well* the military has performed given the indifference or, at best, grudging support of civilian officialdom. The past 15 years marked a turning point in this tenuous relationship—a turning to an attitude distressingly like Tocqueville's description of the moment a military spirit forsakes a people. By military spirit he does not mean a martial spirit—only the willingness to use arms. When that disappears, he says:

> The profession of arms immediately ceases to be held in honor and military men fall to the lowest rank of public servants; they are little esteemed and no longer understood . . . the men who enter the army are . . . of the lowest class. Hence arises a circle of cause and consequences from which it is difficult to escape: the best part of the nation shuns the military profession because that profession is not honored, and the profession is not honored because the nation has ceased to follow it.

Today, it seems, as it has not for a decade, that a change in that demoralization is possible. The reason for thinking so is the country's recognition of various alarming problems in the armed forces and a willingness to *spend* to cure them. This does not tell us, however, if the political will now exists to *use* force internationally. Thus Tocqueville's question of whether the armed forces still have any use as an extension of diplomacy is different than any civil-military issue we have ever faced and, by far, the most important.

Seth Cropsey is on the editorial staff of Fortune.

Liberal Foundations for Liberalism?

CHRISTOPHER WOLFE

***Bruce Ackerman:* Social Justice and the Liberal State.** *Yale University Press. 416 pp. $17.50.*

BRUCE ACKERMAN teaches at the Yale Law School and has been honored by *Time* magazine as one of the ten outstanding young

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law professors in the nation. His aim in this book is herculean, even for one with such laurels: He wants to do nothing less than establish, in the face of powerful critics, that "liberalism is capable of formulating a self-consistent response to the struggle for power." What is most interesting about his attempt, however, is that it is virtually a case study in why that is an impossible task.

Classical liberalism, perhaps best represented by John Locke, was rooted in the social contract theory. This theory assumed that a "state of nature" had preceded any form of society and that each individual in that state had rights to ensure his self-preservation. Because of the conflict and general insecurity of life in this state, men ultimately chose to leave the state of nature by establishing civil society and transferring to society the "executive power" to protect their rights.

The Lockean foundation for liberalism has been attacked on many grounds, and, not surprisingly, attempts have been made to provide a different basis. Among these have been Bentham's fairly blunt utilitarianism (a "calculus" of pleasure and pain: whatever maximizes pleasure and minimizes pain for the greater number is the proper policy), John Stuart Mill's somewhat more refined utilitarianism, and American pragmatism.

The source of most recent discussion has been the publication of John Rawls's *A Theory of Justice*, which contained an attempt to re-establish liberalism in a rather different form of the social contract, one along more egalitarian lines. Ackerman finds this, too, inadequate, and so he sets out to provide a theoretical foundation for liberalism which rescues it from the defects of social contract and utilitarian theory.

Ackerman's starting point is quintessentially liberal: conflict among human beings over scarce resources. But the framework for dealing with this problem appears at first to be much less typically liberal. Three principles are to guide men in dealing with these matters. The first is Rationality: Whenever anybody makes a claim in the competition for resources, he must give a reason. Secondly, the person must be consistent in his reasons. (So far, so good—one is interested to see a liberal theorist whose orientation is not taken from simple desire or will.)

The third principle is stunning. The "Neutrality" principle requires that in this dialogue no one can ever argue that he is superior or that his conception of the good is superior. All political arguments must be "neutral," without any invocation of a person's debatable conception of the good. *Social Justice and the Liberal State* argues that the way to achieve justice is to exclude reasoning about the good.

Now, talking about justice without talking about what is good may sound difficult. What is "reasoning" without such talk? Aristotle gives as one of his arguments for the naturalness of politics the fact that man has the faculty of speech, by which he means, he says, primarily the capacity to talk about what is just and what

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is unjust, what is advantageous and disadvantageous. How is it that liberal speech can adopt this new restriction and remain reasonable?

The "neutral dialogue" proceeds this way, with Manic and Depressive competing over the "manna"—resource—before the impartial "Commander" who enforces the rules of neutral dialogue. Each person demands manna for his purposes, but neutrality bars assertions about the relative value of those purposes:

> MANIC: Will this help? I think it right to protect my claim to manna simply because I am a person with a conception of the good.
> DEPRESSIVE: I agree. Regardless of his conception of the good, each citizen deserves manna simply because he has identified himself as a purposive being.
> COMMANDER: So far, so good. Whatever the merits of this view, it passes Neutrality's bar against selectivity—for it does not distinguish the merits of competing conceptions of the good. But . . . you must tell me how much manna each of you is entitled to.
> DEPRESSIVE: Well, I can't say that I'm an especially deserving citizen for reasons that have nothing to do with my conception of the good. Nevertheless, the prohibition on unconditional claims of superiority does not bar me from saying that I'm at least as good as Manic. . . . If I'm at least as good as Manic, I should get at least as much of the stuff that both of us desire (pp. 55–56).

So the fundamental principle of neutral dialogue is that there *is* a principled but neutral starting point, namely, equality: "I'm at least as good as you are." But why is it that "being a purposive being" merits manna? Perhaps neither of them deserves anything. What have they said to show that they are at least as good as each other? How can they show that they are good at all without a conception of the good? All that they have shown so far is that each *thinks* himself at least as good as (in fact, better, than) the other. But unless someone says, "you are each correct in what you think—you *are* at least as good as each other," there is no reason why equality has been established as a norm. And such a statement—"that is the way things are"—is a particular and controversial—i.e., not neutral—conception of the good.

Yet this never seems to enter Professor Ackerman's thoughts. Three hundred pages later he is still giving the following exchange:

> YOU: Why should you get this scarce resource rather than I?
> I: Because I'm at least as good as you are.
> YOU: Ah, hah! There you go, violating Neutrality again!
> I: How so? Surely I haven't asserted my unconditional superiority; nor have I claimed the right to say that some conceptions of the good are intrinsically superior to others . . . (p. 344).

Why does it not ever occur to the author—a Yale law professor whose writing throughout the book shows him to be quite intelligent—that you can't say "I'm at least as good as you are" without

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making a claim based on a particular conception of the good? It really is puzzling, isn't it? But it does have the advantage of making "neutral" dialogue about who deserves how much of what possible, by providing a norm or a standard (however un-neutral it may actually be).

From this point the book moves on to citizenship—citizens are defined as those who are capable of liberal dialogue, and liberal "rights" strictly speaking are confined to citizens. The rights of others (fetuses, very young children, idiots, the senile, animals—anybody who cannot say "I'm at least as good as you are" in the liberal dialogue) are fundamentally a function of what the citizens choose to do. Fortunately, society is *allowed* to protect these groups: "Liberal agnosticism" about the real value of nature makes it possible to preserve nature, animals, and human "non-citizens." On the basis of Ackerman's arguments, though, there is no principle *forbidding* not just abortion, but also euthanasia, infanticide, or even—as regards the case of infants, the senile, idiots—cannibalism.

Let us look a bit more closely at one of these areas: abortion. Parents can kill the fetus, for instance, if it is a result of "failed contraception." After all, it may possess a "humanoid body," but "citizenship is not a biological category" (p. 127). The fact that the fetus is a potential citizen is irrelevant—no one in a liberal state can claim access to a world of "disembodied spirits."

But compare this to a discussion in the next section of the book dealing with the potential for genetic manipulation. Can parents choose a particular gene combination for their child? No—because 20 years hence the child may say "why did you make me a great chemist? I'd prefer to be an artist," and the parents can't give a neutral reason for saying that chemistry is better than art. Therefore, except for the genetic combinations *everyone* agrees are inferior (another way of slipping values into an ostensibly "neutral" process), all combinations get thrown in a hat, and are assigned by a lottery. Net result: Parents cannot choose chemistry genes over art genes—because of the objection of the "disembodied spirit" of the future twenty-year-old, but parents are free to kill the fetus—no disembodied spirits allowed here.

The second part, "Justice over Time," deals with genetic endowment, liberal education, free exchange, and trusteeship (i.e., for future generations). The common theme is how to provide the citizens over time with initial equality. The section on liberal education is fundamentally an attack on parental or educational "horticulture": No parents have a right to mold a child according to their conception of the good. (That would obviously violate neutrality.)

Professor Ackerman never shows why parents should have any "neutral" right to raise "their" children. He only shows that a child needs *some* parents in order to provide "minimal cultural coherence," so that they do not become incapable of the self-control and

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respect for others' rights which is a precondition to their own freedom. Apart from this goal, parents and educators are merely to provide children with the materials for self-definition by introducing them to different ideas of life, and by stimulating doubt, imagination, and independence. In short, it is an education in relativism and scepticism, for all Professor Ackerman's attempts to portray it as neutral.

The third part of the book centers on "second-best" theory: What a society committed to neutral dialogue could do in the absence of a "perfect technology of justice" (often assumed to be available in earlier discussions in order to confront theoretical issues squarely, i.e., apart from considerations of practicability). Above all, it discusses statesmanship as the art of applying liberal theory to an imperfect world. The initial purpose of the liberal statesman is to eliminate "exploitation"; that is, eliminate advantages (whether genetic, educational, transactional, etc.) which cannot be justified by neutral dialogue. Even where the technology of justice is limited (e.g., genetic disadvantages cannot yet be prevented or reversed) it is possible to apply a principle of "equal sacrifice"—distributing resources in such a way as to approximate equality. This is the theoretical basis for affirmative action: Any person put at a disadvantage, unjustifiable by liberal dialogue, has a prima facie right to compensation.

Questions about the amount and kind of compensation—and other political questions after the elimination of exploitation—are a source of good-faith disagreement, and these can be left to a liberal political process. This process could be majority rule (validated according to neutral dialogue by some social choice theory) or it could be a good lottery. Whatever the particular institutional arrangement, there will always be the liberal concern to prevent tyranny: by input controls (e.g., limits on totalitarian groups), process controls (e.g., separation of powers), and output controls (e.g., an activist Supreme Court's overturning of illegitimate advantages).

THE last section of the book is a return to "First Principles." The first chapter of this section finishes the book's continual examination of the new liberal theory vis-a-vis social contract theory (especially Rawls) and utilitarianism. Professor Ackerman offers some trenchant observations.

Both of those liberal alternatives depend on a hypothetical third party: either a "potential entrant" (contract theory) or an "ideal observer" (utilitarians). Ultimately this requires embracing "theological arguments of the very kind liberalism has historically viewed as its antithesis" (p. 331). When one sets up the contract, who does the choosing and what is the situation of the chooser? This requires some political philosophy not itself a result of the contract. When one is the arbiter of the utilitarian felicific calculus, one is committed to justifying terrible things that contribute to the happiness of many: The individual can be sacrificed to the community. The

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utilitarian can lose touch with elementary decency and nobody in his right mind would consent to such a degradation. (This is a good criticism, perhaps *because* it is not particularly neutral to talk of "elementary decency.") Moreover, the utilitarian's dependence on an ideal observer requires a disinterested altruism which is too high "a movement of the spirit" to serve as the foundation of social justice.

But does "neutral dialogue" survive any better? The author's claim is that it provides an "interpersonally intelligible criterion" which obviates a need for the hypothetical third party, the "higher judge." Certainly it is intelligible when someone says, "I'm at least as good as you are." At least, I know what it *means*. But it is not at all "interpersonal" in the sense that it is a neutral, uncontroversial argument. It simply smuggles in an egalitarian bias.

The final chapter is an attempt to defend liberal principles and it is an extraordinary chapter. Professor Ackerman rejects "intuitionism" and "deductionism," since any attempt to rest liberalism on a particular philosophical view fails the test of neutrality. If liberalism doesn't rest on a philosophic view, what does it rest on? There is more than one path to liberalism: "Liberal theory invites people to pierce their substantive disagreements and achieve a deeper unity—in the fact that they are all seeking to define themselves through a common process of dialogue" (p. 359). It allegedly does not "depend on the truth of any single metaphysical or epistemological system" (p. 361).

Professor Ackerman suggests "four of the main highways to the liberal state":

> realism about the corrosiveness of power; recognition of doubt as a necessary step to moral knowledge; respect for the autonomy of persons; and scepticism concerning the reality of transcendent meaning (p. 369).

It is the last which seems to provide his liberalism with the very philosophical basis the author denies:

> There is no moral meaning in the bowels of the universe. . . . Yet there is no reason to be overwhelmed by the void. We may create our own meanings, you and I; however transient or superficial, these are the only meanings we will ever know (p. 368).

Neutrality? It is difficult to resist saying that it is downright philosophical silliness to talk about a neutral basis for neutrality. A non-neutral basis? Scepticism? Yes—that is at least coherent in its own way. And what is the ultimate value that the liberal postulates? Liberty. Professor Ackerman closes with the argument that "our" task (is this a *norm* for all human beings?) is to "make a life for ourselves which imposes a form on the discordant materials we find at hand, and so, through our personal efforts at imperfect mastery, to provide a clue to the mystery of human freedom."

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For the liberal, human freedom must always be not merely a mystery (in the religious sense) but a conundrum, an enigma. Freedom with no goal, no end, no purpose, could hardly be anything else.

Freedom *for* what? Freedom is not an end in itself—it is by its very nature *a means*. To what? *That* we can argue about (the classical and medieval view was contemplation of the Good or God), although not in this review. The point for now is simply this: Unless we agree that there is an answer to what freedom *is* for, there can be no reflective ground on which to value freedom. Freedom for excellence or holiness—that makes sense of freedom. Even freedom for hedonism or self-preservation—that makes sense of freedom. Freedom for some purpose. But not freedom for freedom's sake. That is the central problem of liberalism and Professor Ackerman exemplifies it perfectly.

WHERE does that leave the foundations for liberalism? Apparently in some philosophy which is not itself strictly liberal. But liberalism must accept that fact. Tocqueville is an example of a liberal thinker who saw that clearly: Political freedom presupposes a fixed moral world, and even the advantages of liberal societies can only be viewed in a broader context which transcends liberal scepticism—some idea of human excellence.

The best defense of liberalism is fundamentally an Aristotelian argument: In an imperfect world, where it is difficult and often impossible to obtain ideal justice based on a true conception of the good, prudence suggests that governments which combine a minimum of decency with some security, and the freedom which permits individuals to strive for higher goals, are worth valuing and defending. It is not an ideal, but it is a relatively good form of government in the absence of conditions for the ideal (i.e., agreement in society about the nature of the good, and statesmen and citizens who can pursue it well).

Standing as a relative good in an imperfect world (in today's imperfect world probably a great relative good) liberalism can be defended. But it will constantly be subjected to the enterprises of those who would elevate it to an ideal and try to make it perfectly "consistent." Should such enterprises succeed, they will have effectually built liberalism's foundations—as the hollowness of names like "Manic" and "Depressive" and "Commander" suggest—in the air.

Whatever the deficiencies of Professor Ackerman's book it does have the great virtue of pressing the dialogue. Professor Ackerman has a passion for trying to reason about things. This is an excellence that is needed in liberal societies, where there is always the danger of scepticism that retreats into inhuman silence or the construction of political ideologies to fill the vacuums which scepticism leaves in souls. And where a human being who wants to know the truth continues to strive for it, there is always hope that he will one

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day believe that there is a meaning in the universe, a truth which human beings can know, which it is their call to know.

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Taking Politics Out of Politics?

NATALE CIPOLLINA

***Charles R. Morris:* The Cost of Good Intentions: New York City and The Liberal Experiment.** *W. W. Norton. 256 pp. $14.95.*

CHARLES R. MORRIS has written a detailed account of the period that led up to the New York City 1975 fiscal crisis. *The Cost of Good Intentions: New York City and The Liberal Experiment,* is impressive as original research. It compiles in one place a wealth of material that otherwise would have been lost, and superbly lays out the specifics of New York City's government during the Lindsay terms. His material on Beame's term and Wagner's last term are less complete, but still useful for other researchers trying to untangle the web of New York City's "liberal experiment."

The main problem with the book is that it ignores the political crisis underlying New York City's fiscal crisis, and in so doing loses sight of the larger lesson of the city's calamity. For Morris shows that actions similar to New York City's policies, in labor relations for example, were being implemented in other cities at that time, but he does not explain why similar policies in other cities did not lead to similar fiscal results.

New York City had two other fiscal crises, in 1870 and 1933, and narrowly averted one in 1900. The lessons and causes of those crises in the past are ignored, though there are similarities to the current crisis. The implication Mr. Morris makes of the 1970's is that "the times were against New York City." So what? The times were against New York City in 1900 and it was able to avert its looming fiscal crisis then.

MORRIS was trained as a lawyer and was a budget official in Lindsay's administration. His book is replete with immediate concerns culled from daily logs and interviews with participants as to what they were doing and when. At times, Morris seems to expect such "evidence" to stand on its own, without interpretation by the author:

> Even the effort to improve program analysis was suspect. A budget bureau veteran counseled the newcomers: "Once you start learning

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> about the departments, you'll just end up spending money." Again, there was truth in the warning. The purpose of systems analysis is to bring resources to bear on objectives. With the inflation of government objectives in the 1960's, a proper mustering of resources almost inevitably meant increased spending commitments. Health care provides a case in point. The budget bureau looked at the problem of supplying reasonably priced medical care in the ghettos and conceived of health centers modeled after pilot programs of the federal Office of Economic Opportunity. . . .
>
> The budget bureau had reasoned that Medicaid would finance the program, but, unfortunately, Medicaid was cut back just as the programs got off the ground. At the first center about 40 percent of the patients had no coverage at all and became additional charges to the city. In the meantime, the state health construction agency was already proceeding on four new centers and the city agencies on another three. The analysis of the problem was probably correct, and there was little doubt that the poor needed better medical services, but, as in so many cases, improved understanding meant increased spending.

Yet to describe the events is not to explain them. The Budget Bureau, throughout its history, had been a "cutting-biased" institution. What had turned it from its historical role? Could it have been the abandonment of the traditional line-item budget that, for all its disadvantages, proved efficient in controlling expenditures? Was it the Planned Program Budgeting System (PPBS) reform that examined outputs rather than inputs? What does it mean that "improved understanding meant increased spending?" The Budget Bureau was always the most knowledgeable of the city agencies. Its members always knew where "all the bodies were buried" and have a deep knowledge of, as well as an overall view of, the city and its functions. In fact, the Budget Bureau changed its perspective and its personnel became, for the first time, advocates of spending in specific policy areas, rather than watchdogs stretching the taxpayers' dollars across the maximum range of all city services.

Morris understands, in great detail it seems, the specifics of each city action, but he ignores the overall aggregation of these specifics into large effects. Thus, he seems to be saying, as it were, "these were the only logical actions one could have, given the situation and, in and of itself, these actions did not bring about fiscal crisis." But that's not the point. The overall effects of all these marginal actions and their tiny, almost discrete mistakes led to fiscal crisis. Why now, during this period, were discrete mistakes on the margin so devastating to the city? What is an explanation that would clear up this puzzle? One has to look at the larger picture, that of governmental structure—something which Morris, for all his detail, overlooks.

The book ignores the charter changes of the early 1960's and of the late 1970's. Yet the 1963 charter change drastically altered the

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city's budgetary process and the federated structure of city government. The federated structure, and a balancing of the mayor and the Board of Estimate, had been established in the 1938 charter change to help the city out of its 1933 fiscal crisis, and to prevent future fiscal crises. But in 1963 the city government became a unitary structure, with broad powers centered in the mayor's office. The new charter also changed the *budgetary* process from a balance between the Board of Estimate and mayor to one dominated by the mayor. Without the Board, no city-wide, elective institution represented budget-cutting or the taxpayer's interest. The benefits of separation of powers and a balance of interests were lost to a unitary structure dominated by the mayor.

On the private institutional level, Tammany Hall was destroyed by reforms and Wagner's alliance with Reform clubs. The destruction of Tammany led to the fragmentation of the political party, removing the one institution that could filter out extreme demands and aggregate disparate interests. Thus, priorities could not be set, and the government could not say "no" to the many demands placed on it. Hence the deficit financing which eventually led to crisis.

THE political party, as a long-term institution with its own interests, integrates time. It learns from past experiences, concerns itself with future consequences and costs, and considers all of that when making present decisions. The reforms of the last Wagner term and the Lindsay terms led to an almost ad hoc process that looked at each decision as if it were the last. In that type of situation, marginal or discrete changes take on different aspects than if they were part of a long-term understanding tied to both the past and the future.

Without the political party to act as a private coordinating organization, public officials in different decision arenas were disconnected from each other, as well as insulated from citizens. The party coordinated both private and public sectors, connecting private demands and supports to public processes and policies.

Mr. Morris has all the facts but misses the point. He advocates reform as the solution to reform. For example, he criticizes Lindsay for not being disciplined enough, nor willing to forego personal political ambition, as the reason that the reforms did not work. It is this peculiar notion of political ambition as something not good for politicians that strikes one as particularly in the reform mode. He wants to take politics out of politics. Lindsay, it is suggested, was insufficiently interested in the details of implementing scientific-management techniques (another reform notion, that scientific-management techniques can do a better job than political acountability). But Morris forgets his own data on PPBS and its failure.

These tendencies of advocating more reforms, more administrative discipline, and more attention to detail are typical of reform chasing its own tail. Reform repeats its own mistakes because its ad hoc nature prevents institutional learning or time integration. So

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it advocates increased reform to deal with the failures of reform, exacerbating the original mistakes.

What is missing in the Morris book, as well as missing in New York City during this period, is the notion of political structure. Incremental decisions and discrete steps are the guts of politics. In order to avoid making small mistakes that of themselves do not look like much, but aggregated across time amount to huge problems, one must have a kind of social contract—rules that guide action, and an institutional framework to make such rules stick.

Political structure properly formed reflects a social contract in various ways. First, it aggregates interests: expansionary and conservative, municipal unions and banks, service demanders and taxpayers, the poor and the middle class. It also integrates time, remembers past lessons, and is aware of future costs. Finally, it relates means to ends, which is to say, taxes to expenditures—also known as budgeting.

Unfortunately, the political structure of New York has not been re-established, and the fiscal crisis continues in the city because political crisis remains. The "road of good intentions" is built on a faulty foundation of a reformed, ad hoc, and ahistorical political structure. And that makes for political potholes that eventually deteriorate into fiscal abyss. The road may not lead to hell, but it also doesn't lead out of fiscal crisis. In fact, as long as "reform" is the solution to past reforms, the city will continue staggering down the road to crisis.

Natale Cipollina has just completed his dissertation on New York City's politics for the Politics Department at Brandeis.

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